Nos. 17-1717 & 18-18

IN THE

Supreme Court of the United States

THE AMERICAN LEGION, ET AL., *Petitioner*,

v.

AMERICAN HUMANIST ASSOCIATION, ET AL.,
Respondents.

MARYLAND-NATIONAL CAPITAL PARK
AND PLANNING COMMISSION, *Petitioner*,

v.

AMERICAN HUMANIST ASSOCIATION, ET AL.,
Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit

JOINT APPENDIX – VOLUME IV OF IV

MICHAEL A. CARVIN
JONES DAY
51 Louisiana Ave., N.W.
Washington, D.C. 20001
(202) 879-3939
macarvin@jonesday.com

Counsel of Record for Am. Legion Petitioners

NEAL KUMAR KATYAL
HOGAN LOVELLS US LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004
(202) 637-5600
neal.katyal@hoganlovells.com

Counsel of Record for Petitioner Md.-Nat'l Capital Park & Planning Comm'n

PETITIONS FOR WRITS OF CERTIORARI FILED: JUNE 25 & 29, 2018
CERTIORARI GRANTED: NOVEMBER 2, 2018

Additional counsel listed on inside cover

Additional Counsel:

MONICA LYNN MILLER
AMERICAN HUMANIST
ASSOCIATION
1821 Jefferson Place NW
Washington, D.C. 20036

Counsel of Record for
Respondent American
Humanist Association

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[LETTER FROM MRS. MARTIN REDMAN
TO
JOHN WALTER SMITH, U.S. SENATOR
(AUG. 26, 1920),
REPRINTED IN LEGION POST #3 PROGRAM,
"ANNUAL DANCE,"
DATED NOVEMBER 9, 1974]

On November 19, 1920 the last payment to the E.H. Mosher Company of $27.64 closing out the books of Mrs. Norman. The solicitations had netted $1,523.16.

Mrs. Redman became treasurer but the records are not available as to the collections and disbursements.

Mrs. Redman expresses her interest in the Memorial in a letter to Senator John Walter Smith. The letters are shown here

1243

UNITED STATES SENATE

Committee to
Examine the Several Branches of
The Civil Service

August 20, 1920.

Mrs. Martin Redman, Treasurer,
Prince George's Memorial Committee,
Bladensburg, Md.

My dear Mrs. Redman:

I desire to acknowledge the receipt of your letter of the 13th instant relative to the memorial cross to be erected at Bladensburg in honor of the soldiers, sailors and mariners from Prince George's County who participated in the war with Germany and gave their lives in the cause.

Relative to your suggestion that I make a subscription, I have many requests from my own County, and also from practically every other county is the State for various charitable purposes which I am interested in and to which I feel I should contribute, for this reason I am unable to always give as largely as I otherwise would had I not so many calls upon me. This is a very worthy cause and your Committee are to be congratulated upon this seal which has been shown to arranging for this testimonial and I am glad to send you my c heck for $50.00, which I sincerely hope may be acceptable and of some assistance to you in this work.

With best wishes, I am

Very truly yours,
/s/ John Walter Smith
John Walter Smith

1 enc.

Washington, D.C.
August 25, 1920.

Mr. John Walter Smith,
United States Senate,

My dear Mr. Smith:

I wish to gratefully acknowledge receipt of your letter of August 20th accompanied by a check for $50 which I have placed to the credit of the memorial cross fund of Prince George's County. It is not easy for me to express in writing my heart-felt appreciation for this favor. The amount may seem small to you, but to us it is a great help.

The chief reason I feel as deeply in this matter, my son __ F. Redman, lost his life in France and because of that I feel that our memorial cross is, in a way, his grave stone.

Respectfully.

EXHIBIT 24

MEMORIAL CROSS

To The

Heroes of Prince George's County, Maryland

Who Lost Their Lives in the World War, and the

Dedication of the National Defense Highway

To Be Erected at Bladensburg, Md.,

Under the Auspices of

THE PRINCE GEORGE'S COUNTY MEMORIAL COMMITTEE

WHEN streams of molten lava flowed down the mountainside from the crater of Vesuvius upon Pompeii, they ruthlessly carried before them structures of civilization painstakingly erected through many years' weary toil by the peace-loving populace, living defenseless at its base; but in these ruins there still remain standing. the concrete slabs which formed the wall of what was then known as their theatre—a building that was used for instruction In the arts, sciences and moralities of the day. In like manner, when the German hordes swept out upon their fellowmen, they eventually encountered the solid concrete determination of the world to preserve forever its institutions of enlightenment and justice.

In commemoration of their sons who thus died for the cause of democracy, the people of Prince George's County, Maryland, are erecting a great cross of snow white cement that future generations may look upon it and remember the fifty-four boys who went from this county to help stop this stream of destruction, and who now sleep in France. This Memorial Cross will stand in a strategic position at the point where the Washington - Baltimore Boulevard joins the Defense Highway leading from Washington to Annapolis. Here, those who come to the Nation's Capital to view the wonders of its architecture and the sacred places where their laws are made and administered may, before this Cross, rededicated themselves to the principles of their fathers and renew the fires of patriotism and loyalty to the nation which prompted these young men to rally to the defense of the right. And here the friends and loved ones of those who were in the great conflict will pass daily over a highway memorializing their boys who made the Supreme sacrifice.

GEORGE R. FARMER. U. S. A.,

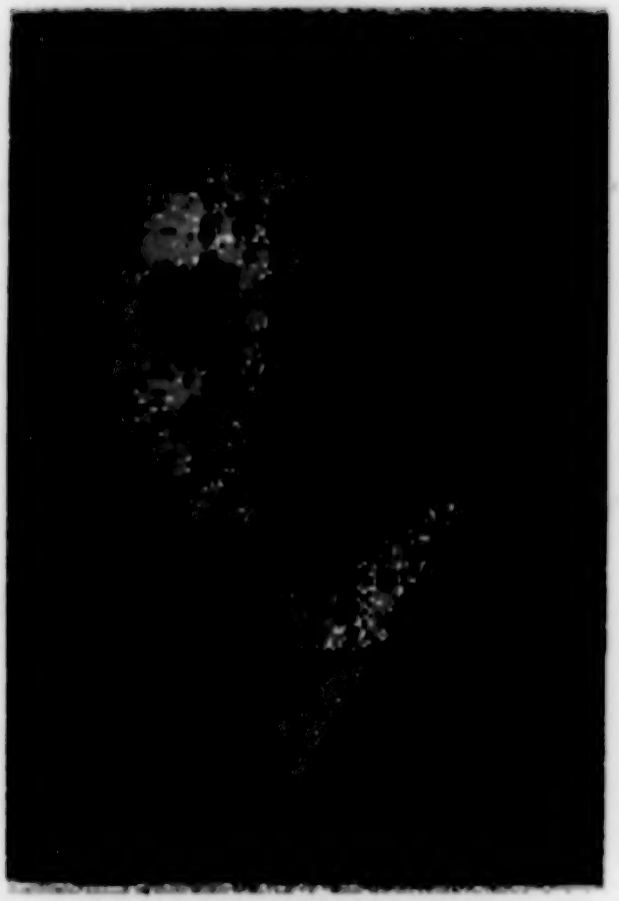
First enlisted man from Prince George's County to be killed in the Army.

The Memorial Cross and Defense Highway were dedicated on September 28. The Hon. Josephus Daniels, Secretary of the Navy, spoke in eulogy of the achievements of these men and lauded the noble purpose of their people in consecrating these works to their memory: "A concrete highway," as Mr. Dan-

iels said, "that will be a boon to the traveler from far and near, that will never fail in rain or sun, that every day in the year will present an unalterable face to every duty expected of it, as did the men in whose honor it was named; and a cross that will stand for time and eternity, like the principles they defended."

The Cross will be built by the voluntary contributions of the men and women who so keenly appreciate its meaning. Credit for the organization and direction of effort is due the Prince George's County Memorial Committee, of which Mr. John R. Riggles is chairman, and Mrs. J. H. Norman, treasurer. To their originality, initiative and industry is also due the fact that, of all the memorials and improvements talked of and contemplated in honor of our soldier dead, this Cross and Highway are the first to be in reality under way.

Sunday, September 28, was fair as Thomas Paine's rarest "day in June," and not a single misfortune marred the plans for this loving ceremony. Secretary Daniels, with stirring words and phrases, depleted the sentiments of the assemblage. Mrs. William Farmer, whose son was the first soldier from the county to fall in battle, turned the first shovelful of earth for the foundation of the Cross. After a beautiful rendition of "Rock of Ages" by the cornetist of the Marine Band, amid welling tears of the sympathetic audience Mrs. Martin Redman, mother of the first Navy man lost to Prince George's County, dedicated the Defense Highway. The band then recalled the song that had lightened the burdens of the men over there and played "The Long- Long Trail."



WILLIAM F. REDMAN, U. S. N.

First enlisted man from Prince George's County to be killed in the Navy.

Mrs. John Fainter, mother of Captain Fainter, Company F, One Hundred and Fifteenth Infantry, a Prince George's unit, led a chorus of children in singing "My Country, 'Tis of Thee," and after the National Anthem was sung heartily by all present the services closed and the multitude was dismissed.

The Cross, when finished, will be forty feet high and have arms sixteen feet in length. It will bear at its heart a great gold star, while to its base will he affixed a bronze tablet bearing the names of those in whose honor it is built. It will be constructed by Fred Drew, Louis de Franceski, sculptor, plans drawn by Marshall J. Smith, all of Washington. The Defense Highway is twenty-six miles long and will be built under contracts let by the State of Maryland to connect the cities of Washington and Annapolis.

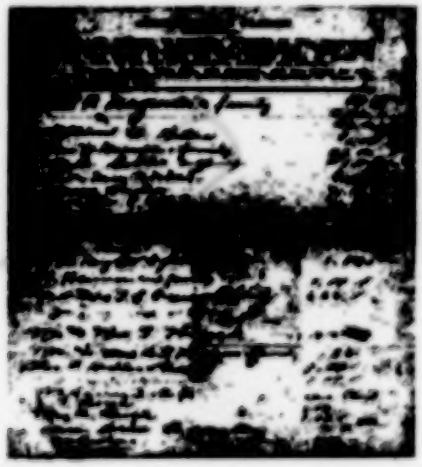
EXHIBIT 25

PLEDGE SHEET
REPRINTED IN LEGION POST #3 PROGRAM
"ANNUAL DANCE"
DATED NOVEMBER 9, 1974

CONTRIBUTION PLEDGE

We, the citizens of Maryland, trusting in God, the Supreme Ruler of the Universe, Pledge Faith in our Brothers who gave their all in the World War to make World Safe for Democracy. Their Mortal Bodies have turned to dust, but their spirit Lives to guide us through Life in the way of Godliness, Justice and Liberty.

With our Motto, "One God, One Country, and One Flag" We contribute to this Memorial Cross Commemorating the Memory of those who have not Died in Vain.



CONTRIBUTION PLEDGE

WE, THE CITIZENS OF MARYLAND, TRUSTING IN GOD, THE SUPREME RULER OF THE UNIVERSE, PLEDGE FAITH IN OUR BROTHERS WHO GAVE THEIR ALL IN THE WORLD WAR TO MAKE WORLD SAFE FOR DEMOCRACY. THEIR MORTEL BODIES HAVE TURNED TO DUST, BUT THEIR SPIRIT LIVES TO GUIDE US THROUGH LIFE IN THE WAY OF GODLINESS, JUSTICE AND LIBERTY.

WITH OUR MOTTO, "ONE GOD, ONE COUNTRY, AND ONE FLAG" WE CONTRIBUTE TO THIS MEMORIAL CROSS COMMEMORATING THE MEMORY OF THOSE WHO HAVE NOT DIED IN VAIN.

EXHIBIT 26

THE WASHINGTON POST (1877-1922)
AUGUST 7, 1919
PROQUEST HISTORICAL NEWSPAPER:
THE WASHINGTON POST (1877-1997)

LAWN FETE FOR MEMORIAL.:
Bladensburg Citizens Will
Raise Fund for War Cross.

LAWN FETE FOR MEMORIAL.

Bladensburg Citizens Will
Raise Fund for War Cross.

To raise funds for the memorial cross to 54 men of Prince Georges county, Md., who gave their lives during the war, citizens of Bladensburg, Md. have completed plans for the lawn fete Saturday night.

The cross is to be put up at the intersection of the Bladensburg-Annapolis and Washington Baltimore boulevards. John R. Riggles, in charge of the collection of the fund, states that a lawn fete at Decatur Heights raised more than 3200.

1254

ARMY KEEPS AUTOMOBILES.

Brig. Gen. Drake Announces Decision to Retain Many Types.

Hopes of getting discarded automobiles at bargain rates were abandoned by Washingtonians yesterday with the announcement by Brig. Gen. Drake, motor transport corps, that the army has decided to retain most of these cars the public desired for its, own use.

The types to be kept include the open and closed medium and heavy open and closed passenger cars and nine types of trucks, trailers and ambulances.

EXHIBIT 27

THE WASHINGTON POST (1877-1922)
AUGUST 9, 1919
PROQUEST HISTORICAL NEWSPAPER:
THE WASHINGTON POST (1877-1997)
pg. 8

PAID $1 EACH FOR OLD EGGS:

Truck Farmer Fined Because He Kept Them Too Long.

Fifty overripe eggs were placed before Judge Hardison yesterday in Police Court. So was Claude C. Hurley, of Monrovia, Md., a truck farmer, whose fowls produced them a long time ago. Hurley was charged with, violation of the pure-food law and was forced to pay the court $1 for each of the eggs before he was given his liberty.

Hurley was arrested early yesterday at the produce market by a food inspector as he was trying to dispose of a crate of eggs containing the 50 that had spoiled. This is the first case made by the food inspectors this week against farmers suspected by the health department of bringing bad eggs and watered butter into the District for sale.

DISPENSARY HAS NEW HOME.

Public Health Service Now Open on Fifteenth Street.

A dispensary has been opened Fifteenth street and Ohio avenue northwest by the Public Health Service for the benefit of civilian employes of the government and discharged soldiers, sailors and marines. The moving of apparatus from the old dispensary in the old quarters of the Emergency Hospital has been completed.

Accommodations for 40 cases daily are provided in the new location. There is a completely equipped ward for bed patients. The equipment includes many new facilities for medical work and the staff of physicians and nurses has been increased. Dr, H. E. Prindle, of the Public Health Service, will remain in charge.

GIFT FROM MISS WILSON.

To Be Sold at Bladensburg Lawn Party for War Memorial.

A lawn party to raise funds for the memorial to be erected in honor of the soldiers of Prince Georges county who lost their lives in the war will be given tonight in front of the schoolhouse at Bladensburg, Md.

A gift from Miss Margaret Wilson will be sold at auction. A 26-piece band will furnish the music.

HAS VICTORY BUTTONS.

Tenth Street Recruiting Station Will Distribute Them to Wounded.

The army recruiting station at 509 Tenth street northwest has received a large supply of silver victory buttons to be awarded men who have been wounded in action.

The supply of bronze buttons has been temporarily exhausted. No victory medals nor victory ribbons have as yet been received at this station.

EXHIBIT 28

THE WASHINGTON POST (1877-1922)
JULY 11, 1919
PROQUEST HISTORICAL NEWSPAPER:
THE WASHINGTON POST (1877-1997)
pg.5

SACRIFICE CROSS FOR SOLDIER:

Prince Georges Countians Plan Seaplane Flight to Aid Fund.

A naval seaplane flight from Washington to Chesapeake Beach may be a feature of Prince Georges county memorial day, which will be celebrated at the resort next Monday.

Arrangements for the flight now are being made with the Navy Department. It is proposed that the plane shall carry messages from Secretaries Baker and Daniels, from newspapers and from prominent business men regarding the erection of the big sacrifice cross at Bladensburg in honor of the 52 Prince Georges county Yanks who lost their lives in the war. The excursion is for the benefit of the fund to erect the cross.

EXHIBIT 29

THE WASHINGTON POST (1877-1922)
AUGUST 18, 1919
PROQUEST HISTORICAL NEWSPAPER:
THE WASHINGTON POST (1877-1997)
pg. 12

WOUNDED YANKS SUBSCRIBE:

Walter Reed Patients Help Prince Georges Memorial Fund.

Funds for the memorial cross at Bladensburg to honor Prince Georges county men who died in the war are being rapidly collected and work on the monument will be started next month, according to John Riggles, of Hyattsville, chairman of a committee for the memorial.

Wounded Yanks at Walter Reed Hospital have sent numerous donations and letters of sympathy for the mothers and other bereaved relatives of Prince Georges county soldiers. Many of the wounded Yanks, have subscribed all their funds. Private Lewis Guivette, of Louisiana, who lost a leg and an arm, was one of the contributors.

EXHIBIT 30

THE WASHINGTON POST (1877-1922)
JUNE 8, 1919
PROQUEST HISTORICAL NEWSPAPER:
THE WASHINGTON POST (1877-1997)
pg. A11

HIGHWAY TO BE MEMORIAL.

The National Defense Highway, between Bladensburg and Annapolis, will be dedicated by the citizens of Prince Georges county, Md., to the memory of their dead soldiers, sailors and marines. A calvary cross, 20 feet high, will be erected at Bladensburg and the names of the county heroes will be inscribed on a bronze tablet. It is planned to have the dedication exercises within the next few weeks. Gov. Barrington will spread the first concrete. Mrs. Edgar Brown is in charge of the committee on arrangements. Secretary of War Baker, Secretary of the Navy Daniels, members of Congress and other prominent men will be invited to attend.

EXHIBIT 31

CHARTER OF
THE AMERICAN LEGION

National Constitutional and By-laws

Uniform Codes of Procedure for the
Revocation, Cancellation or Suspension
of Department and Post Charters

Prepared by
THE AMERICAN LEGION
NATIONAL HEADQUARTERS
Indianapolis, Indiana

The National Constitution of THE AMERICAN LEGION as set out herein, is in full force and effect and represents action taken by National Conventions, being the Constitution adopted at the First Annual Convention, Minneapolis, Minn., Nov. 10-12, 1919, and as amended at the Second Annual Convention, Cleveland, Oh., Sept. 27-29, 1920; Fourth Annual Convention, New Orleans, La., Oct 16-20, 1922; Fifth Annual Convention, San Francisco, Calif., Oct. 15-19, 1923; Sixth Annual Convention, St Paul, Minn., Sept 15-19, 1924; Seventh Annual Convention, Omaha, Nebr., Oct 5-9, 1925; Ninth Annual Convention, Pans, France, Sept 19-22, and Ratification Convention, New York N.Y., Oct 19-22,

1927; "Twelfth Annual Convention, Boston, Mass., Oct 6-9, 1930; Fifteenth Annual Convention, Chicago, M., Oct. 2-5, 1933; Nineteenth Annual Convention, New York, N.Y., Sept 20-23, 1937; Twentieth Annual Convention, Los Angeles, Calif., Sept 19-22, 1938; Twenty-first Annual Convention, Chicago, Ill., Sept 25-28, 1939; Twenty-second Annual Convention, Boston, Mass., Sept 23-26, 1940; Twenty-third Annual Convention, Milwaukee, Wis., Sept18, 1941; Twenty-fourth Annual Convention, Kansas City, Mo., Sept. 19-21, 1942; Twenty-fifth Annual Convention, Omaha, Neb., Sept. 21-23, 1943; Twenty-seventh Annual Convention, Chicago, M., Nov. 18-21, 1945; Twenty-eighth Annual Convention, San Francisco, Calif., Sept. 30-Oct. 14, 1946; Twenty-ninth Annual Convention, New York, N.Y., Aug. 28-31, 1947; Thirtieth Annual Convention, Miami, Fla., Oct. 18-21, 1948; Thirty-first Annual Convention, Philadelphia, Pa., Aug. 29-Sept 1,1949; Thirty-second Annual Convention, Los Angeles, Calif., Oct 9-12, 1950; Thirty-third Annual Convention, Miami, Fla., Oct 15-18, 1951; Thirty-fourth Annual Convention, New York, N.Y., Aug. 25-28, 1952; Thirty-sixth Annual Convention, Washington, D.C., Aug.30-Sept 2, 1954; Thirty-seventh Annual Convention, Miami, Fla. Oct 10-13, 1955; Thirty-eighth Annual Convention, Los Angeles, Calif., Sept 3-6, 1956; Fortieth Annual Convention, Chicago, M., Sept 14, 1958; Forty-second Annual Convention, Miami Beach, Fla., Oct 17-20, 1960; Forty-eighth Annual Convention, Washington, D.C., Aug. 30-Sept 1, 1966; Fifty-second Annual Convention, Portland, Ole., Sept. 1-3, 1970; Fifty-fourth Annual Convention, Chicago, M., Aug. 22-24,1972; Fifty-fifth Annual Convention, Honolulu, Hi., Aug. 21-23, 1973; Fifty-sixth Annual Conven-

tion, Miami Beach, Fla., Aug. 20-22, 1974; Fifty-eighth Annual Convention, Seattle, Wash., Aug. 24-26,1976; Fifty-ninth Annual Convention, Denver, Colo., Aug. 23-25, 1977; Sixty-first Annual Convention, Houston, Tex., Aug. 21-23, 1979; Sixty-ninth Annual Convention, San Antonio, Tex., Aug. 25-27, 1987; Seventy-second Annual Convention, Indianapolis, Ind., Aug. 28-30, 1990; Seventy-third Annual Convention, Phoenix, Arizona, Sept. 3-5, 1991; the Seventy-seventh Annual Convention, Indianapolis, Ind., Sept 4-6, 1995; Seventy-ninth Annual Convention, Orlando, Fla., Sept. 24, 1997; Eighty-second Annual Convention, Milwaukee, Wis., Sept. 5-7, 2000; and reiterated at the Eighty-third Annual Convention, Charlotte, NC, Aug. 27-29, 2002; and Ninety-fourth Annual Convention, Indianapolis, Ind., Aug. 28-30, 2012.

The By-Laws as adopted at the Fourth Annual Convention, New Orleans, La., Oct. 16-20, 1922, and as amended at the Fifth Annual Convention, San Francisco, Calif, Oct. 15-19, 1923; Sixth Annual Convention, St. Paul, Minn., Sept. 15-19, 1924; Eleventh Annual Convention, Louisville, Ky., Sept. 30-Oct. 1, 2, 3,1929; Fifteenth Annual Convention, Chicago, M., Oct. 2-5,1933; Nineteenth Annual Convention, New York, N.Y., Sept 20-23, 1937; Twentieth Annual Convention, Los Angeles, Cali, Sept 19-22, 1938; Twenty-first Annual Convention, Chicago, M., Sept 25-28, 1939; Twenty-second Annual Convention, Boston, Mass., Sept 23-26, 1940; Twenty-third Annual Convention, Milwaukee, Wis., Sept 15-18, 1941; Twenty-seventh Annual convention, Chicago, M., Nov. 18-21, 1945; Twenty-ninth Annual Convention, New York, N.Y., Aug. 28-31, 1947; Thirtieth Annual Convention, Miami, Fla., Oct.

18-21, 1948; Thirty-first Annual convention, Philadelphia, Pa., Aug. 29-Sept 1, 1949; Thirty-third Annual Convention, Miami, Fla., Oct. 15-18,1951; Thirty-fourth Annual Convention, New York, N.Y., Aug. 25-28, 1952; Thirty-ninth Annual Convention, Atlantic City, NJ., Sept 16-19, 1957; Fifty-second Annual Convention, Portland, Ore, Sept. 1-3, 1970; Fifty-eighth Annual Convention, Seattle, Wash., August 24-26, 1976; and Fifty-ninth Annual Convention, Denver, Colo., Aug. 23-25, 1977; and Ninety-Second Annual National Convention, Milwaukee, Wis., Aug. 31-Sept. 2, 2010; *and Ninety-fifth Annual Convention, Houston, Texas., Aug 23 - 29 (as found in italic print).*

Daniel S. Wheeler, National Adjutant

UNITED STATES CODE ANNOTATED

TITLE 36, CHAPTER 217, SECTIONS 21701-21708

THE AMERICAN LEGION

Created by Act of Congress Washington, DC on September 16, 1919

§ 21701. ORGANIZATION

(a) Federal charter.–The American Legion (in this chapter [36 U.S.C.A. § 21701 et seq.], the "corporation") is a federally chartered corporation.

(b) Perpetual existence.–Except as otherwise provided, the corporation has perpetual existence.

§ 21702. PURPOSES

The purposes of the corporation are–

(1) to uphold and defend the Constitution of the United States;

(2) to promote peace and good will among the peoples of the United States and all the nations of the Earth;

(3) to preserve the memories and incidents of the 2 World Wars and the other great hostilities fought to uphold democracy;

(4) to cement the ties and comradeship born of service; and

(5) to consecrate the efforts of its members to mutual helpfulness and service to their country.

§ 21703. MEMBERSHIP

An individual is eligible for membership in the corporation only if the individual–

(1) has served in the Armed Forces of–

(A) the United States at any time during any period from–

(i) April 6, 1917, through November 11, 1918;

(ii) December 7, 1941, through December 31, 1946; (Hi)

(iii) June 25, 1950, through January 31, 1955;

(iv) February 28, 1961, through May 7, 1975;

(v) August 24, 1982, through July 31, 1984;

(vi) December 20, 1989, through January 31, 1990; or

(vii) August 2, 1990, through the date of cessation of hostilities, as decided by the United States Government; or

(B) a government associated with the United States during a period referred to in subclause (A) of this clause and was a citizen of the United States when the individual entered that service; and

(2) was honorably discharged or separated from that service or continues to serve honorably during or after that period.

§ 21704. POWERS

The corporation may—

(1) adopt a constitution, bylaws, and regulations to carry out the purposes of the corporation;

(2) adopt and alter a corporate seal;

(3) establish and maintain offices to conduct its activities;

(4) establish State and territorial organizations and local chapter or post organizations;

(5) provide guidance and leadership to organizations and local chapters established under paragraph (4), but may not control or otherwise influence the specific activities and conduct of such organizations and local chapters;[1]

(6) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;

(7) publish a magazine and other publications;

(8) sue and be sued; and

(9) do any other act necessary and proper to carry out the purposes of the corporation.

§ 21705. EXCLUSIVE RIGHT TO NAME, EMBLEMS, AND BADGES

The corporation and its State and local subdivisions have the exclusive right to use the name "The American Legion" or "American Legion". The corporation has the exclusive right to use, manufacture, and control the right to manufacture, emblems and badges the corporation adopts.

§ 21706. POLITICAL ACTIVITIES

The corporation shall be nonpolitical and may not promote the candidacy of an individual seeking public office.

§ 21707. SERVICE OF PROCESS

As a condition to the exercise of any power or privilege granted by this chapter [36 U.S.C.A. § 21701 et

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[1] Added December 13, 2011

seq.], the corporation shall file, with the secretary of state or other designated official of each State, the name and address of an agent in that State on whom legal process or demands against the corporation may be served.

§ 21708. ANNUAL REPORT

Not later than January 1 of each year, the corporation shall submit a report to Congress on the activities of the corporation during the prior calendar year. The report may not be printed as a public document.

Note: Title 36 U.S. Code was rewritten in 1998. The language above is the rewritten, current version as amended.

CONSTITUTION
of The American Legion

PREAMBLE

For God and Country, we associate ourselves together for the following purposes:

To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in the Great Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I

Section 1. The name of this organization shall be THE AMERICAN LEGION.

Section 2. The National Headquarters of THE AMERICAN LEGION shall be located at the site of the Indiana World War Memorial in the city of Indianapolis, Indiana.

ARTICLE II

NATURE

Section 1. THE AMERICAN LEGION is a civilian organization; membership therein does not affect nor increase liability for military or police service. Rank does not exist in the Legion; no member shall be

addressed by his military or naval title in any convention or meeting of the Legion.

Section 2. THE AMERICAN LEGION shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

ARTICLE III

ORGANIZATION

Section 1. THE AMERICAN LEGION shall be organized in Departments and these in turn in Posts. There shall be one Department in each state, in the District of Columbia, and there may be one Department in each territory and insular possessions of the United States. The National Executive Committee may establish Posts in the territorial and insular possessions of the United States and foreign countries, and shall designate the Department under whose jurisdiction they shall function, but this shall in no way affect the status of Departments already established.

ELIGIBILITY

Section 1. Any person shall be eligible for membership in THE AMERICAN LEGION who was a member of the Army, Navy, Marine Corps, Coast Guard or Air Force of the United States and assigned to active duty at some time during any of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; February 28, 1961, to May 7, 1975; August 24, 1982, to July 31, 1984; December 20, 1989, to January 31, 1990; August 2, 1990, to the date of cessation of hostilities as determined by the

Government of the United States; all dates inclusive, or who, being a citizen of the United States at the time of his entry therein, served on active duty in the armed forces of any of the Governments associated with the United States during any of said periods; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably during or after any of said periods; provided, further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject himself to military discipline or unqualified service.*

Section 2. There shall be no form or class of membership except an active membership, and dues shall be paid annually or for life.

Section 3. No person may be a member at any one time of more than one Post.

Section 4. No person, who has been expelled by a Post, shall be admitted to membership in another Post without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, he may then appeal to the Executive Committee of the Department of the expelling Post for permission to be admitted to membership in another Post, and shall be ineligible for membership until such permission is granted.

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* Note: Appendix following National By-Laws, carries amended sections of the National Charter of The American Legion.

ARTICLE V

NATIONAL CONVENTION

Section 1. The legislative body of THE AMERICAN LEGION shall be the National Convention, except as otherwise provided in the Constitution and By-Laws.

Section 2. The time and place of the National Conventions shall be determined by the National Executive Committee, which shall have authority to change such time and place for sufficient reasons to it appearing.

Section 3. In the National Convention each Department shall be entitled to five delegates and one additional delegate for each one thousand members, or major fraction thereof, whose current dues have been received by the National Treasurer 30 days prior to the meeting of said convention, and whose registration fees, as fixed by the National Executive Committee, for its total authorized delegate strength, have been paid; and to one alternate for each delegate. The delegates shall be chosen not less than two weeks before the National Convention at Department Conventions or in any other manner specified by any Department Constitution.

Section 4. Each duly registered delegate shall be entitled to one vote. The vote of any registered delegate absent and not represented by an alternate shall be cast by the majority of the registered delegates shall have all the privileges of registered delegates, except that of voting. A registered delegate is one who has received his credentials after his registration fee has been paid.

Section 5. A quorum shall exist at a National Convention when sixty percent of the Departments are represented as provided above.

Section 6. The National Executive Committee shall provide a Uniform Code of Procedure for the orderly organization and operation of National Conventions with continuing power of revision, and said Code shall be applicable at all National Conventions unless it is amended, suspended, or repealed by a majority vote of the total authorized representation at a National Convention.

ARTICLE VI

NATIONAL OFFICERS

Section 1. The National Convention shall elect a National Commander, and five National Vice Commanders, who shall serve without seniority. No two Vice Commanders shall be chosen from the same Department. No persons shall be eligible for re-election to the office of National Commander or National Vice Commander.

Section 2. Such officers shall serve until the adjournment of the succeeding National Convention following their election and thereafter until their successors are chosen. Vacancies in these offices occurring between National Conventions shall be filled by election by the National Executive Committee, and any member of THE AMERICAN LEGION, in good standing, shall be eligible for election to such vacancy. Provided, however, that no Past National Commander, or Past National Vice Commander shall be elected to fill any vacancy in these respective offices.

Section 3. The National Executive Committee at its first meeting following the National Convention shall appoint the National Adjutant, National Treasurer, National Judge Advocate, National Chaplain, and National Historian, such officers to hold office at the pleasure of the appointing power. All persons having the custody of funds shall give adequate bonds, which shall be approved by the National Executive Committee.

Section 4. All Past National Commanders, while in good standing in their respective Posts, shall be members for life of the National Executive Committee, without vote, and shall also be life delegates to all National Conventions of THE AMERICAN LEGION, with vote, to be exercised by them with their respective Departments.

ARTICLE VII

NATIONAL EXECUTIVE COMMITTEE

Section 1. Between National Conventions, the administrative power shall be vested in the National Executive Committee, which shall be composed of the National Commander, the National Vice Commanders, and one National Executive Committeeman and one alternate from each Department to be elected as such Department shall determine, the alternate to act only in the absence of the National Executive Committeeman.

Section 2. The term of office of such National Executive Committeemen and alternates shall be two years. The term of office of each National Executive Committeeman and alternate shall commence immediately upon the adjournment of the National Convention next ensuing after their election and

shall end at the adjournment of the second next succeeding annual National Convention.

Section 3. Members of the National Committee shall be delegates to the National Convention with vote, which vote shall be exercised with their respective Departments, except that the vote of the National Commander shall be exercised only in his capacity as chairman of the National Convention.

ARTICLE VIII

DEPARTMENT ORGANIZATION

Section 1. Departments shall be chartered by the National Executive Committee and shall be composed of the Posts within their respective areas, and such other Posts as the National Executive Committee may approve. Each Department charter shall be signed by the National Commander and National Adjutant.

Section 2. Each Department shall have a Department Commander, one or more Department Vice Commanders, a Department Adjutant and a Department Executive Committee, and may have a Chaplain and such other officers as the Department shall determine.

Section 3. Departments shall have authority to create and charter intermediate bodies between the Posts and Department to act as a liaison between such organizations and for the purpose of promoting the programs of The American Legion.

Section 4. The Department Executive Committee shall define the powers of such intermediate groups, but in no event shall such powers invade the prerogatives now vested either in the Post or Department or National Organization.

Section 5. Such intermediate bodies now existing within the Departments and heretofore authorized or recognized by such Department are hereby officially recognized to the extent of the powers herein granted.

ARTICLE IX

POST ORGANIZATION

Section 1. Those who desire to form a Post shall make application for a temporary charter to the Commander of the Department in which they reside. The temporary charter shall be issued by the National Commander and National Adjutant upon receipt of the application properly executed by the charter members of the projected Post, but only when such application is approved by the Commander of the Department or by the Department Executive Committee.

Section 2. The minimum membership of a Post shall be determined by the Executive Committee of the Department in whose area it lies.

Section 3. No Post shall be named after any living person.

Section 4. A temporary charter shall be granted and shall state that it is granted on the recommendation of the Department and on the following terms and conditions:

1. All acts heretofore duly and properly taken for the formation of the above named Post are recognized and confirmed by the National Executive Committee.
2. The above named Post shall uphold the declared principles of THE AMERICAN LEGION and shall conform to and abide by the regulations and de-

cisions of the Department and of the National Executive Committee, or other duly constituted national governing body of THE AMERICAN LEGION.

3. This charter is subject to revocation by the National Executive Committee on the recommendation of the Department, or by such authority that may hereafter be established by the

Section 5. After a temporary charter has been in effect for a probationary period of at least ninety days, application for a permanent charter may be made. Such probationary period shall not exceed one year upon the termination of which the Department shall determine whether or not a permanent charter shall be issued or denied and the action of the Department shall be final.

Section 6. All charters shall be countersigned by the Commander and the Adjutant of the Department.

Section 7. Each Department may prescribe the Constitution of its Posts. Permanent charters may be suspended, cancelled or revoked by the Department Executive Committee as provided in the By-Laws.

ARTICLE X

FINANCE

Section 1. The revenue of THE AMERICAN LEGION shall be derived from annual membership dues and from such other sources as may be approved by the National Executive Committee.

Section 2. The amount of such annual dues shall be determined by each National Convention for the ensuing year.

Section 3.1. The annual dues shall be collected by each Post and transmitted promptly through the Department to the National Treasurer. Departments are designated agents for collection for THE AMERICAN LEGION with respect to such annual dues and upon the receipt thereof shall remit them promptly to THE AMERICAN LEGION. In no event shall the period transpiring between the receipt of such annual dues by a Department and the remittance thereof to THE AMERICAN LEGION exceed thirty (30) days.

Section 3.2. The annual dues shall be collected in such alternate method(s) as determined by the National Executive Committee from time to time and thereafter communicated to the Departments for communications to the Posts provided that (a) in no instance shall the National Organization or the Departments be empowered to retain, or withhold, more than each ones published amount of per capita dues; (b) in no event shall the period transpiring between the receipt of such annual dues by the National Organization and the remittance thereof to the Departments exceed thirty (30) days; and (c) any such alternative method shall be in addition to and not in substitution for method 3.1 above.

Section 4. Annual dues shall be payable October 20 of each year, for the succeeding calendar year.

ARTICLE XI

DISCIPLINE

Section 1. The National Executive Committee, after notice and a hearing before a subcommittee as hereinafter provided, may cancel, suspend or revoke

the charter of a Department for any good and sufficient cause to it appearing.

Section 2. The National Executive Committee may designate, appoint and authorize a subcommittee to hear and try and make written findings of fact and recommendations with reference to the matter of the cancellation, suspension or revocation of the charter of any Department of THE AMERICAN LEGION after said Department shall have received due and proper notice of said hearing and trial. Said subcommittee shall make its written findings and recommendations to the National Executive Committee for its approval or rejection, and the action of said National Executive Committee upon such findings and recommendations shall be final and conclusive.

Section 3. The hearing and trial of any cause involved the cancellation, suspension, or revocation of the charter of any Department in THE AMERICAN LEGION shall be had and held under rules of procedure to be adopted by the National Executive Committee.

Section 4. Upon suspension of the charter of any Department of THE AMERICAN LEGION, the National Executive Committee is authorized, empowered and directed, by and through its duly authorized agents, to take possession, custody and control of all of the records, property and assets of and belonging to such Department, and to provide for the government and administration of such Department during said suspension.

Section 5. Upon cancellation or revocation of the charter of any Department of THE AMERICAN LEGION, the National Executive Committee is authorized, empowered and directed, by and through its duly

authorized agents, to take possession, custody and control of all of the records, property and assets of such Department, and to take all necessary and proper steps and proceedings to conclude and dose the affairs of such Department, and said National Executive Committee may provide for such continued recognition and activities of Posts in said Departments as it may deem proper.

ARTICLE XII

CHANGE OF RESIDENCE

Section 1. Any member in good standing in a Post removing from his Department shall be entitled to a certificate from his Post stating his membership and the duration thereof.

ARTICLE XIII

AUXILIARIES

Section 1. THE AMERICAN LEGION recognizes an auxiliary organization, known as the American Legion Auxiliary.

Section 2. Membership in the American Legion Auxiliary shall be limited to the mothers, wives, daughters, sisters, granddaughters, great-granddaughters and grandmothers of members of THE AMERICAN LEGION, and to the mothers, wives, daughters, sisters, granddaughters, great-granddaughters and grandmothers of all men and women who were in the Armed Forces of the United States during any of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; February 28, 1961, to May 7, 1975; August 24, 1982, to July 31, 1984; December 20, 1989, to January 31, 1990; August 2, 1990, to the date of cessation

of hostilities as determined by the Government of the United States; all dates inclusive, or who, being citizens of the United States at the time of their entry therein, served on active duty in the Armed Forces of any of the governments associated with the United States during any of said periods, and died in the line of duty or after honorable discharge; and to those women who of their own right are eligible for membership in THE AMERICAN LEGION.

Section 3. The Auxiliary shall be governed in each Department of THE AMERICAN LEGION by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by such Department of THE AMERICAN LEGION.

ARTICLE XIV

RATIFICATION

Section 1. All acts performed and charters heretofore granted by the temporary organization to THE AMERICAN LEGION are hereby ratified and confirmed.

ARTICLE XV

AMENDMENTS

Section 1. The Constitution may be amended at any National Convention by a vote of two-thirds of the total authorized representation thereat, provided that the proposed amendment shall have been submitted through the National Adjutant to the several Departments and members of the National Executive Committee by mailing same to them at least twenty (20) days prior to the convening of the next National Convention; any such proposed amendment may be amended without further notice by a two-thirds vote of the total authorized representation thereat, provided it does not increase the modification proposed

by the amendment and it has received the approval of the Convention Committee on Constitutional Amendments; and, provided further, it may be amended by unanimous vote at any National Convention without notice.

Section 2. That no proposed amendment shall be submitted through the National Adjutant to the several Departments and members of the National Executive Committee, as provided in Section 1 of this article, unless said proposed amendment shall have been first submitted by a Department Convention, Department Executive Committee, or the National Executive Committee.

ARTICLE XVI

NATIONAL INCORPORATION

This Constitution is adopted conformably to the Act of Congress of the United States of America of September 16, 1919, and all amendatory acts thereto.

ARTICLE XVII

In the event the Congress of the United States shall amend the eligibility clause in the Act creating THE AMERICAN LEGION, this Constitution shall be deemed amended in conformance therewith, but subject to all consistent limitations and restrictions in this Constitution contained.

BY-LAWS
of The American Legion

ARTICLE I
NATIONAL EXECUTIVE COMMITTEE

Section 1. In case of death, resignation or removal by his respective Department of any National Executive Committeeman or alternate to the National Executive Committee, the successor shall be selected as such Department shall determine and shall serve for the remainder of such unexpired term.

Section 2. The National Executive Committee shall meet within twenty-four hours before and after each National Convention and within forty-five days following its adjournment, provided however, that the National Commander shall have authority to extend said forty-five-day period for sufficient reasons to him appearing, upon approval by the National Executive Committee, and in May of each year. Special meetings may be held upon reasonable notice at the call of the National Commander. The National Commander shall call a meeting of the National Executive Committee upon the written request of National Executive Committeemen from fifteen or more Departments.

Section 3. Twenty-five members shall constitute a quorum of the National Executive Committee.

Section 4. The National Commander shall name such committees as he shall deem advisable, subject to ratification by the National Executive Committee at its next meeting succeeding the appointment.

Section 5. *The National Executive Committee shall appoint, upon nomination by the National Commander, a Finance Commission to be composed of seven (7) members. Of the seven members appointed following the National Convention (1945) at which this amendment is adopted, two shall be appointed to serve for a term of one yew; two shall be appointed to serve for a term of two years, and three shall be appointed to serve for a term of three years; thereafter each succeeding appointee shall serve for a term of three years or until removed by the majority vote of the National Executive Committee. The National Commander and the National Treasurer shall be ex officio members of said commission and the National Adjutant shall be ex officio secretary of the said commission. The Finance Commission shall be charged with the preparation of the yearly budget and the handling of funds under that budget, and such other duties as shall be prescribed by the National Executive Committee, subject to the approval of the National Executive Committee.*

Section 6. *There shall be the following standing commissions: Americanism Commission, Convention Commission, Finance Commission, Internal Affairs Commission, Legislative Commission, Media & Communications Commission, National Security Commission, Veterans Affairs & Rehabilitation Commission, Veterans Employment & Education Commission.*

The commissions shall consist of such number of members of THE AMERICAN LEGION *as the National Executive Committee may from time to time determine Appointments to such commissions shall be made by the National Executive Committee upon nomination by the National Commander. The Na-*

tional Executive Committee is empowered to assign duties and responsibilities to all standing commissions and committees and to group standing committees with commissions for the purpose of efficient supervision and coordination of activities.

Section 7. The National Executive Committee shall provide for the appointment and employment of such subordinate officers and employees as may be needed for the administration of the affairs of THE AMERICAN LEGION, and prescribe their duties and emoluments.

Section 8. All questions affecting the election, eligibility and conduct of national officers shall be referred to and determined by the National Executive Committee. All questions affecting the election, eligibility and conduct of the National Executive Committeeman from any Department, or of Department officers, or members of Department Executive Committees, shall be referred to and determined by the Executive Committee of the Department involved, which shall be the final authority thereon.

ARTICLE II

DUTIES OF OFFICERS

Section 1. NATIONAL COMMANDER: The National Commander shall be the executive head of THE AMERICAN LEGION with full power to enforce the provisions of the National Constitution, National By-Laws, and the will of the National Convention. He shall be the chairman of the National Convention and the National Executive Committee. He shall perform such other duties as are usually incident to the office.

Section 2. NATIONAL VICE COMMANDERS: The National Vice Commanders shall act as representatives of the National Commander on all matters referred to them by him, and shall, on his request, preside over the meetings of the National Convention or National Executive Committee, and perform such other duties as are usually incident to the office.

Section 3. NATIONAL ADJUTANT: The National Adjutant shall be charged with the administration of the policies and mandates of the National Convention, the National Executive Committee, and of the National Commander. He shall perform such other duties as are usually incident to the office. He shall also be authorized, in event of the death or resignation of the National Commander, to summon the National Executive Committee for the election of a successor, and in event the National Adjutant shall fail, refuse or neglect, within fifteen days after said death or resignation, to issue a call for said meeting of the National Executive Committee to be held within thirty days after said death or resignation, then said meeting for the purpose of electing a successor may be held upon the written demand therefore signed by representatives from fifteen or more Departments, giving fifteen days' notice thereof.

Section 4. NATIONAL TREASURER: The National Treasurer shall be the custodian of the funds of the National Organization. He shall sign all checks disbursing the funds of the National Organization, and shall make reports upon the condition of the national treasury when called for by the National Commander. The National Treasurer shall furnish a surety bond as hereinafter prescribed. He shall

perform such other duties as are usually incident to the office.

Section 5. NATIONAL JUDGE ADVOCATE: The National Judge Advocate shall advise the national officers and the National Executive Committee on all legal matters, including the construction and interpretation of the National Constitution and By-Laws, and shall perform such other duties as are usually incident to the office.

Section 6. NATIONAL CHAPLAIN: The National Chaplain shall perform such divine and nonsectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by National Headquarters from time to time.

Section 7. NATIONAL HISTORIAN: The National Historian shall collect from year to year all records and data of value and interest for the National Headquarters of THE AMERICAN LEGION, and shall compile during his term of office a complete history of the year's activities. He shall also assist Department and Post historians so

as to coordinate any unify the work of these officials, and shall have such other duties as the National Executive Committee shall prescribe.

ARTICLE III

CHARTERS

Section 1. The Department Executive Committee may suspend, cancel or revoke a Post Charter. The action taken by the Department Executive Committee shall be final and conclusive unless an appeal is taken to the National Executive Committee within thirty days from the date of said suspension, cancellation or revocation. The action taken by the Na-

tional Executive Committee upon appeal shall be final.

Section 2. Any Post failing to meet the obligations imposed upon it by the Constitution and By-Laws, or ceasing to function for six months as an American Legion Post, or voluntarily ceasing to function as a Post, or merging with one or more other Posts, or refusing to pay the Department and National per capita dues, or under such other conditions as might make such action necessary shall, upon order of the Department Executive Committee, surrender its charter for cancellation. Upon failure to surrender such charter, immediate steps may be taken for its revocation, suspension or cancellation.

Section 3. Upon revocation, cancellation or suspension of the charter of a Post in any Department of THE AMERICAN LEGION, said Post shall immediately cease operations and upon revocation or cancellation shall turn over its charter to its Department Commander or Department Executive Committee, and the Department Executive Committee is authorized, empowered and directed by and through its duly authorized agent to take possession, custody and control of all the records, property and assets of said Post; provided, however, that nothing herein shall be construed as requiring any Department to take over or assume any financial responsibility as to such property. Said Department Executive Committee may provide for the transfer of the members in said Post to other Posts of their choice, subject to the approval of such other Post.

Section 4. The National Executive Committee shall provide a uniform code defining the procedure to be followed in the revocation, cancellation or

suspension of Post charters and providing for a method of appeal and further providing a code of procedure for the revocation, cancellation or suspension of Department charters with continuing power to revise said code, provided, however, that the procedure now in effect shall continue until such code is so adopted.

ARTICLE IV

DISCIPLINE OF POST AND POST MEMBERS

Section 1. Each Post of THE AMERICAN LEGION shall be the judge of its own membership, subject to the restrictions of the Constitution and By-Laws, except that no person who is a member of an organization which has for its aim the overthrow of the United States Government by force or violence, or who subscribes to the principles of any group opposed to our form of government, shall be eligible to become or remain a member of THE AMERICAN LEGION.

Section 2. Members may be suspended or expelled from the Legion only upon a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty and conduct unbecoming a member of THE AMERICAN LEGION. All charges must be made under oath in writing by the accusers, and no member in good standing shall lose his membership until given a fair trial by the Post or Department in such manner and form as the Department By-Laws and Department Executive Committee shall prescribe.

Section 3. Any member who has been suspended or expelled has the right of appeal to his Department Executive Committee, or to the Department Convention, according to the provisions in the By-laws of

such Department. The decision of the Department shall be final.

Section 4. A member whose dues for the current year have not been paid by January first shall be classed as delinquent. If his dues are paid on or before February first, he shall be automatically reinstated. If he is still delinquent after February first, he shall be suspended from all privileges. If he is still under such suspension on June thirtieth of such year, his membership in THE AMERICAN LEGION shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which the reinstatement occurs. Provided, however, that the Posts, Departments and the National Organization may waive the provisions hereof, upon payment of dues for the year in which reinstatement occurs, with reference to former members who have been prevented from the payment of dues by reason of active military service.

ARTICLE V

MEMBERSHIP

Section 1. Membership in THE AMERICAN LEGION is membership in the National Organization of THE AMERICAN LEGION by affiliation with Posts.

ARTICLE VI

MONIES AND COLLECTIONS

Section 1. *All national employees and volunteers handling all American Legion monies and negotiable instruments shall be covered by fidelity/crime insurance in an adequate amount as desired by the Finance Commission and said fidelity/crime insurance*

policy(s) shall be approved by the National Treasurer, National Judge Advocate, and Finance Commission.

Section 2. National Headquarters shall, should it be deemed advisable, detail special auditors to investigate the membership roll and financial statement of any Department, and should that Department so desire, assist in a similar audit of Posts within that Department.

ARTICLE VII

TRANSFER OF POSTS

Section 1. Posts of THE AMERICAN LEGION formed within units of the Army, Navy, Marine Corps or other organizations liable to transfer from one place to another, and which are organized under the Department in which they are then located, may transfer to another Department in a manner similar to the transfer of individuals from one Post to another.

Section 2. Any existing Post in the territorial or insular possession of the United States or in foreign countries, which is not under the jurisdiction of a present existing Department, shall within one year following the adoption hereof, unless extended by the National Executive Committee, request the National Executive Committee to place it under the jurisdiction of a Department to be selected by such Post. Said request shall have attached thereto the formal consent of such Department. Should a Post fail or refuse to make such request or be unable to obtain the consent of a Department, then the National Executive Committee shall designate the Department.

ARTICLE VIII

AMENDMENTS

Section 1. These By-Laws may be amended at any National Convention by a vote of two-thirds of the total authorized representation thereat, provided that the proposed amendment shall have been submitted through the National Adjutant to the several Departments and members of the National Executive Committee by mailing same to them at least twenty (20) days prior to the convening of the next National Convention; any such proposed amendment may be amended without further notice by a two-thirds vote of the total authorized representation thereat, provided it does not increase the modification proposed by the amendment and it has received the approval of the Convention Committee on Constitutional Amendments; and, provided further, it may be amended by unanimous vote at any National Convention without notice.

Section 2. That no proposed amendment shall be submitted through the National Adjutant to the several Departments and members of the National Executive Committee, as provided in Section 1 of this article, unless said proposed amendment shall have been first submitted by a Department Convention, Department Executive Committee, or the National Executive Committee.

Appendix to the Constitution and By-Laws

Amendments to the Charter of The American Legion enacted by Congress, October 29, 1942, Public Act 767; July 9, 1946, Public Act 495; December 28, 1950, Public Act 895; June 26, 1953, Public Act 80; July 26, 1955, Public Act 178; September 1, 1966, Public Act 89-550; December 27, 1974, Public Act 93-557; August 17, 1978, Public Act 95-346; December 21, 1979, Public Act 96-155; October 30, 1990, Public Act 101-478; December 3, 1991, Public Act 102-179; November 20, 1997, Public Act 105110; August 12, 1998, Public Act 105-225; November 3, 1998, Public Act 105-354; December 2, 2002, Public Act 107-309.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act entitled "An Act to Incorporate The American Legion," approved September 16, 1919 (41 Stat. 285, Title 36, U.S.C., Sec. 43, amended to Title 36, U.S.C., Sec. 21702), is hereby further amended to read as follows:

ORIGINAL SECTION	AMENDED SECTION
Sec. 3. That the purpose of the corporation shall be: to promote peace and good will among the peoples of the United States and all the nations of the earth; to preserve the memories and incidents of the Great War of 1917-1918; to cement the ties of love and comradeship born of service; and to consecrate the efforts of its members to mutual helpfulness and service to their country.	"**Sec. 21702.** *That the purpose of this corporation shall be: To uphold and defend the Constitution of the United States of America; to promote peace and good will among the peoples of the United States and all the nations of the earth; to preserve the memories and incidents of the two World Wars and the other great hostilities fought to uphold democracy; to cement the ties and comradeship born of service; and to consecrate the efforts of its members to mutual helpfulness and service to their country.*"

That section 5 of such Act of September 16, 1919 (41 Stat. 285, Title 36, U.S.C., Sec. 45, amended to Title 36, U.S.C., Sec. 21703) if hereby further amended to read as follows:

ORIGINAL SECTION	AMENDED SECTION
Sec. 5. That no person shall be a member of this corporation unless he served in the naval or military service of the United States at some time during the period between April 6, 1917, and November 11, 1918, both dates inclusive, or who, being citizens of the United at the time of enlistment, served in the military or naval services of any of the governments associated with the United States during the Great War.	**"Sec.21703.** *That no person shall be a member of this corporation unless such person has served in the naval or military services of the United States at some time during any of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25 1950, to January 31, 1955; February 28, 1961, to May 7, 1975; August 24, 1982, to July 31, 1984; December 20, 1989, to January 31, 1990; August 2, 1990, to the date of cessation of hostilities as determined by the* States *Government of the United States; all dates inclusive, or who, being a citizen of the United States at the time of entry therein, served in the military or naval service of any of the governments associated with the United States during said wars or hostilities: Provided, however, that such person shall have an honorable discharge or separation from such service or continues to*

serve honorably during or after any of the aforesaid terminal dates."

Uniform Code of Procedure for the Revocation, Cancellation or Suspension of DEPARTMENT CHARTERS

(Adopted by the National Executive Committee of The American Legion, November 21-22, 1940, Indianapolis, Indiana)

I. CHARGES

Section 1. A charge that any Department should, for any good and sufficient cause, have its charter cancelled, suspended or revoked, may be initiated by a Department of THE AMERICAN LEGION in good standing, or by any three (3) Posts of the Department accused. A charge may be withdrawn only with the consent of the National Commander.

Section 2. Such charge shall be filed with the National Commander at National Headquarters.

Section 3. Such charge shall be in writing, and signed by the respective Commanders and Adjutants of the Department or Posts, as the case may be, and sworn to before any officer authorized to administer oaths.

Section 4. Three additional copies of such charge shall be filed with the original. The National Commander shall forthwith cause one copy of such charge to be served on the defendant Department by delivering a true copy thereof to the Adjutant of said Department as hereinafter provided.

Section 5. Such charge shall include the following:

a. A certified or attested copy of the resolution authorizing the filing of such charge.

b. The full name and address of the Department against which the charge is made, as well as the full name and address of the Commander and Adjutant of such Department.

c. A dear, concise and detailed statement of the facts upon which the charge is based.

d. The section or sections of the Constitution and By-Laws alleged to have been violated.

e. Affidavits or documents substantiating the charge may be attached.

Section 6. After a charge has been filed, the National Commander shall forthwith cause a full investigation of the facts to be made. After such investigation, the National Commander shall file a report and recommendation with the National Executive Committee for its action thereon at its next meeting.

Section 7. Proceedings relating to the cancellation, suspension or revocation of a Department charter may originate with either the National Commander or the National Executive Committee.

Section 8. The action of the National Executive Committee in rejecting any charge or charges against a Department shall be final.

II. RESOLUTION OF NATIONAL EXECUTIVE COMMITTEE

Should the National Executive Committee determine by a majority vote that a hearing and trial should be held to determine whether a Department should be cancelled, suspended or revoked, it shall

then adopt a resolution which shall include the following:

a. A statement that the National Executive Committee has determined that a hearing and trial is warranted

b. Authorization and direction to the National Commander and National Adjutant to sign a formal complaint.

c. The names and addresses of the members of the subcommittee before which the hearing and trial is to be held.

d. The name and address of the National Judge Advocate or special acting National Judge Advocate who is to assist the committee.

e. Authorization to the subcommittee to hire such stenographic or other help as may be necessary and to incur such expense as may be necessary.

f. That the subcommittee shall report its written findings of fact and recommendation to the National Executive Committee at its next meeting, provided, however, that if the hearing or trial is not completed a partial report shall be made.

III. COMPLAINT

Section 1. In all cases a formal complaint, in triplicate, shall be drawn by the National Judge Advocate and signed by THE AMERICAN LEGION, through its National Commander and National Adjutant, setting forth the following:

a. A dear and concise statement of the facts upon which the charges are predicated.

b. The origin of the charges.

c. A copy of the resolution of the National Executive Committee appointing the subcommittee and its assistants.

d. A copy of the Uniform Code of Procedure for the Revocation, Cancellation, or Suspension of Department Charters.

e. The time within which an appearance or answer shall be filed by the Department, which shall be not less than twenty (20) or more than sixty (60) days from the date of the service of a copy of the complaint.

f. The time and place for the hearing and trial, which shall not be more than thirty (30) days after the date of the expiration of the time for the filing of the answer.

Section 2. Any such complaint may be amended by the subcommittee of the National Executive Committee in its discretion at any time upon such terms as may be deemed just in the opinion of the said subcommittee.

IV. SERVICE

Section 1. The subcommittee shall cause a true copy of the complaint to be served on the defendant Department.

Section 2. All complaints, orders and other process and papers of the subcommittee or of the national organization of THE AMERICAN LEGION may be served personally, or by registered mail, or by leaving a copy thereof at the principal office of the Department or Post or place of residence of the person to be served. The verified return by the individual serving the same showing service thereof in the manner herein

provided, or the registry return receipt shall be proof of service.

Section 3. All notices, orders, papers or other process which are to be served on the National Headquarters of THE AMERICAN LEGION, or the subcommittee appointed to conduct the trial, shall be deemed served if they are served on the National Adjutant at National Headquarters, said service to be made as herein before provided.

Section 4. Witnesses may be summoned by a notice signed by either the special acting National Judge Advocate, the National Judge Advocate, or by a member of the subcommittee.

V. ANSWER

Section 1. The defendant Department shall file an answer to said complaint with the National Judge Advocate at National Headquarters within the time specified in the complaint. The answer shall contain a dear and concise statement of the facts which constitute its defense. Any charge or specification in the complaint which is not expressly denied or explained in the answer shall be deemed to be admitted.

Section 2. In the event that the complaint is amended during the course of the hearing or trial, the defendant shall be furnished with a copy of such amendment, and may file an amended answer to the said amended complaint within five (5) days thereafter.

VI. SUBCOMMITTEE

Section 1. The subcommittee to hear and try and make written findings of fact and recommendations with reference to the matter of the cancellation,

suspension or revocation of the Department charter shall be appointed by the National Executive Committee and shall consist of not more than five (5) nor less than three (3) members of the National Executive Committee. The National Executive Committeeman of the Department under investigation shall not be a member of such subcommittee.

Section 2. Should no member of the subcommittee be a lawyer, opinions on questions of law may be obtained from the National Judge Advocate.

Section 3. A majority of the members of the subcommittee shall constitute a quorum. If for any reason there is less than a quorum, the hearing shall be adjourned until a quorum is present.

Section 4. The duties of the National Judge Advocate or special acting National Judge Advocate shall be to see that the trial is prompt, complete and thorough, make all arrangements for the hearings, the summoning of all witnesses and the production of all papers. He shall see that all the orders of the subcommittee shall be carried out. He shall examine and cross-examine all witnesses.

VII. HEARING AND TRIAL

Section 1. The rules of evidence prevailing in courts of law and equity shall not be controlling. The subcommittee shall decide all questions arising as to the relevancy of the evidence and the regularity of the proceedings.

Section 2. The subcommittee may hold its hearings in dosed sessions or may open them to the public. The subcommittee shall hear witnesses on oath or affirmation.

Section 3. Any party to the proceedings shall have the right to appear at such hearing in person, by counsel, or otherwise, subject to such reasonable restrictions as may be placed on this right by the subcommittee, and to examine and cross-examine witnesses and to introduce documentary or other evidence.

Section 4. Stipulations of fact may be introduced in evidence with respect to any issues.

Section 5. Objection to the conduct of the hearing shall be stated orally together with a short statement of the grounds of such objection and included in the stenographic report of the hearing.

Section 6. Any party to the proceedings shall be entitled to a reasonable period at the dose of the hearing for oral argument, which shall not be included in the stenographic report of the hearing. Briefs maybe filed by the parties within the time fixed by the subcommittee.

Section 7. In the discretion of the subcommittee, the hearings may be continued from day to day, or adjourned to a later date, or to a different place by announcement thereof at the hearing by the chairman or vice-chairman of the subcommittee, or by other appropriate notice.

Section 8. A stenographic report of the trial shall be made.

VIII. REPORT OF SUBCOMMITTEE

Section 1. The subcommittee, after it has completed its hearings, shall file the complete report of the proceedings had upon the trial, together with its written findings of fact and recommendations with reference thereto with the National Adjutant not less

than five (5) days before the next meeting of the National Executive Committee, all of which shall be open to the inspection of all members of the National Executive Committee as well as representative or representatives of the Defendant Department.

Section 2. The National Executive Committee shall consider said report and act thereon.

Section 3. At the National Executive Committee meeting at which the report of the said subcommittee is to be considered, one (1) representative of the defendant Department may, within the discretion of the National Executive Committee, be given the privilege of the floor for not more than one (1) hour.

Section 4. Should the subcommittee's report be a partial report, the National Executive Committee may continue the committee and authorize it to hold further hearings and present its final report at the next meeting of the National Executive Committee.

Section 5. The decision of the National Executive Committee, based upon the report of its subcommittee, shall be final and no appeal can be taken therefrom.

Uniform Code of Procedure for the Revocation, Cancellation or Suspension of POST CHARTERS

(Adopted by the National Executive Committee of THE AMERICAN LEGION May 1-2, 1941, Indianapolis, Ind.
Amended by that body November 6-7, 1941)

I. CHARGES

Section 1. A charge that any Post should, for any good and sufficient cause, have its charter cancelled,

suspended or revoked may be initiated by any intermediate body between the Post and the Department, or by any three Posts of the Department in which the Post accused is located. A charge may be withdrawn only with the consent of the Department Commander.

Section 2. Such charge shall be filed with the Department Commander at Department Headquarters.

Section 3. Such charge shall be in writing, and signed by the respective Commanders and Adjutants of the intermediate bodies or Posts, as the case may be, and sworn to before any officer authorized to administer oaths.

Section 4. Three additional copies of such charge shall be filed with the original. The Department Commander shall forthwith cause one (1) copy of such charge to be served on the defendant Post by delivering a true copy thereof to the Adjutant of said Post, as hereinafter provided.

Section 5. Such charge shall include the following:

a. A certified or attested copy of the resolution authorizing the filing of such charge.

b. The full name and address of the Post against which the charge is made, as well as the full name and address of the Commander and Adjutant of such Post.

c. A dear, concise and detailed statement of the facts upon which the charge is based.

d. The section or sections of the National and Department Constitutions and By-Laws alleged to have been violated.

e. Affidavits or documents substantiating the charge may be attached.

Section 6. After a charge has been filed, the Department Commander shall forthwith cause a full investigation of the facts to be made. After such investigation, the Department Commander shall file a report and recommendation with the Department Executive Committee for its action thereon at its next meeting.

Section 7. Proceedings relating to the cancellation, suspension or revocation of a Post charter may also originate with either the Department Commander or the Department Executive Committee.

Section 8. The action of the Department Executive Committee in rejecting any charge or charges against a Post shall be final.

II. RESOLUTION OF THE DEPARTMENT EXECUTIVE COMMITTEE

Section 1. Should the Department Executive Committee determine by a majority vote that the Post should surrender its charter, said Department Executive Committee shall direct the defendant Post to surrender its charter for cancellation, and shall pass a resolution that unless the charter is so surrendered, prior to the date therein specified, a hearing and trial be held to determine whether the Post charter should be cancelled, suspended or revoked, and said resolution shall include the following:

a. A statement that the Department Executive Committee has determined that a hearing and trial is warranted

b. Authorization and direction to the Department Commander and Department Adjutant to sign a formal complaint.

c. The names and addresses of the members of the subcommittee before which the hearing and the trial is to be held.

d. The name and address of the Department Judge Advocate or special acting Department Judge Advocate who is to assist the committee.

e. Authorization to the subcommittee to hire such stenographic or other help as may be necessary and to incur such expense as may be necessary. Said expense, including the cost of stenographic report of the trial when ordered to be transcribed by the subcommittee or the Department Executive Committee, shall be taxed as costs against the Department, complainants or defendant Post in such manner and amount as the Department Executive Committee shall prescribe.

f. That the subcommittee shall report its written findings of fact and recommendation to the Department Executive Committee at its next meeting, provided, however, that if the hearing or trial is not completed, a partial report shall be made.

III. COMPLAINT

Section 1. In all cases, a formal complaint, in triplicate, shall be drawn by the Department Judge Advocate and signed by The American Legion, through its Department Commander and Department Adjutant, setting forth the following:

a. A dear and concise statement of the facts upon which the charges are predicted.

b. The origin of the charges.

c. A copy of the resolution of the Department Executive Committee appointing the subcommittee and its assistants.

d. A copy of the Uniform Code of Procedure for the Revocation, Cancellation or Suspension of Post Charters.

e. The time within which an appearance or answer shall be filed by the Post, which shall be not less than twenty (20) or more than sixty (60) days from the date of the service of a copy of the complaint.

f. The time and place for the hearing and trial, which shall not be more than thirty (30) days after the date of the expiration of the time for the filing of the answer.

Section 2. Any such complaint may be amended by the subcommittee of the Department Executive Committee in its discretion at any time upon such terms as may be deemed just in the opinion of the said subcommittee.

IV. SERVICE

Section 1. The subcommittee shall cause a true copy of the complaint to be served on the defendant Post.

Section 2. All complaints, orders and other process and papers of the subcommittee or the Department organization of THE AMERICAN LEGION may be served personally, or by registered mail, or by leaving a copy thereof at the principle office or Headquarters of the

intermediate body or Post, or place of residence of the person or officer to be served. The verified return by the individual serving the same showing service thereof in the manner herein provided, or the registry return receipt shall be proof of service.

Section 3. All notices, orders, papers or other process which are to be served on the Department Headquarters of THE AMERICAN LEGION, or the subcommittee appointed to conduct the trial, shall be deemed served if they are served on the Department Adjutant at Department Headquarters, said service to be made as herein above provided.

Section 4. Witnesses may be summoned by a notice signed by either the special acting Department Judge Advocate, the Department Judge Advocate, or by a member of the subcommittee.

V. ANSWER

Section 1. The defendant Post shall file an answer to said complaint with the Department Judge Advocate at Department Headquarters within the time specified in the complaint. The answer shall contain a dear and concise statement of the facts which constitute its defense. Any charge or specification in the complaint which is not expressly denied or explained in the answer shall be deemed to be admitted.

Section 2. In the event that the complaint is amended during the course of the hearing or trial, the defendant shall be furnished with a copy of such amendment, and may file an amended answer to the said amended complaint within five (5) days thereafter.

VI. SUBCOMMITTEE

Section 1. The subcommittee to hear and try and make written findings of fact and recommendations with reference to the matter of the cancellation, suspension or revocation of the Post charter shall be appointed by the Department Executive Committee and shall consist of not less than three (3) members of the Department Executive Committee. No member of the Post under investigation shall be a member of such subcommittee.

Section 2. Should no member of the subcommittee be a lawyer, opinions on questions of law may be obtained from the Department Judge Advocate.

Section 3. A majority of the members of the subcommittee shall constitute a quorum. If for any reason there is less than a quorum, the hearing shall be adjourned until a quorum is present.

Section 4. The duties of the Department Judge Advocate or special acting Department Judge Advocate shall be to see that the trial is prompt, complete and thorough, make all arrangements for the hearings, the summoning of all witnesses and the production of all papers. He shall see that all the orders of the subcommittee shall be carried out. He shall examine and cross-examine all witnesses.

VII. HEARING AND TRIAL

Section 1. The rules of evidence prevailing in courts of law and equity shall not be controlling. The subcommittee shall decide all

questions arising as to relevancy of the evidence and the regularity of the proceedings.

Section 2. The subcommittee may hold its hearings in closed sessions or may open them to the

public. The subcommittee shall hear witnesses on oath or affirmation.

Section 3. Any party to the proceeding shall have the right to appear at such hearing in person, by counsel or otherwise, subject to such reasonable restrictions as may be placed on this right by the subcommittee, and to examine and cross-examine witnesses and to introduce documentary or other evidence.

Section 4. Stipulations of fact may be introduced in evidence with respect to any issues.

Section 5. Objection to the conduct of the hearing shall be stated orally together with a short statement of the grounds of such objection and included in the stenographic report of the hearing.

Section 6. Any party to the proceedings shall be entitled to a reasonable period at the close of the hearing for oral argument, which shall not be included in the stenographic report of the hearing. Briefs may be filed by the parties within the time fixed by the subcommittee.

Section 7. In the discretion of the subcommittee, the hearings may be continued from day to day, or adjourned to a later date, or to a different place by announcement thereof at the hearing by the chairman or vice-chairman of the subcommittee or by other appropriate notices.

Section 8. A stenographic report of the trial shall be made.

VIII. REPORT OF SUBCOMMITTEE

Section 1. The subcommittee, after it has completed its hearings, shall file the complete report of the proceedings had upon the trial, together with its

written findings of fact and recommendations with reference thereto with the Department Adjutant not less than five (5) days before the next meeting of the Department Executive Committee, all of which shall be open to the inspection of all members of the Department Executive Committee, as well as representative or representatives of the defendant Post.

Section 2. The Department Executive Committee shall consider said report and act thereon.

Section 3. At the Department Executive Committee meeting at which the report of the said subcommittee is to be considered, one representative of the defendant Post may, within the discretion of the Department Executive Committee, be given the privilege of the floor for not more than one (1) hour.

Section 4. Should the subcommittee's report be a partial report, the Department Executive Committee may continue the committee and authorize it to hold further hearings and present its final report at the next meeting of the Department Executive Committee.

IX. APPEAL

Section 1. Should the Department Executive Committee refuse to cancel, suspend or revoke the charter of the Post, such decision shall be final and no appeal can be taken therefrom.

Section 2. Should the Department Executive Committee, upon a report of its subcommittee, cancel, suspend or revoke the charter of the defendant Post, the defendant Post and the National Adjutant shall be notified by the Department Adjutant of the decision of the Department Executive Committee, which notice shall be

mailed within five (5) days after such decision has been rendered. Should the defendant Post desire to appeal from the decision of the Department Executive Committee, it shall serve its notice of appeal, signed by the Post Commander and Post Adjutant, on the Department Adjutant at Department Headquarters within thirty (30) days from the date of said suspension, cancellation or revocation.

Section 3. Upon receipt of said notice of appeal, the Department Commander shall immediately notify the National Commander of such appeal and shall cause the Department Judge Advocate, or acting Department Judge Advocate, and the subcommittee to submit all the papers and the complete record of the hearings to the National Commander. Upon receipt of the notice of appeal, the National Commander shall appoint a subcommittee of not more than five (5) nor less than three (3) members of the National Executive Committee for the purpose of hearing the appeal from the action of the Department Executive Committee.

Section 4. The National Executive Committeeman, or alternate, from the Department of which the defendant Post is a part, shall not be eligible to serve on this committee.

Section 5. This subcommittee of the National Executive Committee shall meet at least one (1) day prior to the meeting of the National Executive Committee and to this committee the National Commander shall refer the complete record, in writing, of said proceedings with such exceptions thereto as are made by the defendant Post.

Section 6. This subcommittee may make its recommendations merely from the records, or it may

permit representatives of the Department or the defendant Post to appear and argue the matter before the committee, and it may, as such hearing of such appeal, take further evidence relating thereto under such rules and conditions as it may from time to time adopt.

Section 7. This subcommittee shall review the cause and recommend to the National Executive Committee the action to be taken thereon.

Section 8. The decision of the National Executive Committee, based upon the report of this subcommittee, shall be final and there shall be no appeal therefrom.

Section 9. The cost of the proceeding may be retaxed as the National Executive Committee shall deem just and equitable.

THE AMERICAN LEGION
P.O. Box 1055
Indianapolis, IN 46206
317-630-1200
www.legion.org

EXHIBIT 32

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

Case No. 8:14-cv-00550-DKC

AMERICAN HUMANIST ASSOCIATION, FRED EDWORDS, BISHOP MCNEILL, AND STEVEN LOWE,

Plaintiffs,

vs.

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION,

Defendant.

DEPOSITION OF
RUSSELL W. MYERS, JR.
MARCH 11, 2015

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* * *

Q Does the post inform you about events that it is going to hold?

A Sometimes.

Q Are they required to do so?

A No.

Q What sort of supervisory authority do you exercise over a post?

A General oversight over their conformity to the rules and regulations of the American Legion.

Q What are the qualifications for membership in the American Legion, and are they different for National, Department versus the post?

A Do you want me to answer the first question? First the eligibility requirements are contained in our constitution. They are honorable service in the Armed Forces of the United States during some war period.

Q Those are the only qualifications?

A Yes.

Q And we would look to a constitution. That is the National Constitution; is that correct?

A Yes.

Q Does the Department have a separate constitution?

A Yes.

Q What's different about the Department's constitution?

A In what aspect? The membership aspect or --

Q Membership, is there a different preamble in the Department than is in the National?

A Well, there are two questions, membership and the preamble. Do you want me to answer the membership question?

Q Membership first.

A No, there is no difference in the membership.

Q And what about the preamble? Do you have the same preamble in your Department's constitution as in the National's constitution?

A I'm not sure. I've read the document, but I'm not positive.

Q Can you recall whether the first words of your preamble are "for God and country"?

A To be honest with you, I don't even know if our constitution bylaws has a preamble.

Q Okay. What is the relevance of religion to the American Legion, to the Department, sorry?

A What do you mean by relevance?

Q Does it have any relevance, if any? Do you discuss religion at Department meetings?

A Is there a specific meeting you're trying to -- because we have all kinds -- we have lots of meetings.

Q Okay. What kind of meetings do you have?

A The main meetings are the Department executive committee meeting which is held quarterly.

Q So the quarterly Department executive committee meeting?

A Uh-hum.

Q Does that begin with a benediction or invocation?

A Most of the time, yes.

Q Can you recall what the benediction or invocation says?

A It's not a scripted benediction or invocation.

Q So it's different each time?

A I'm not positive that it's different every time.

Q But it's not scripted?

A It is not scripted.

Q Who tends to deliver them?

A The Department chaplain.

Q Are there any qualifications for someone to become a Department chaplain?

A No, other than being a member in good standing.

Q What exactly does the Department chaplain do other than deliver these invocations and benedictions?

A The main parts of his job are to provide for the needs of the members usually in sickness or death or other events. He sends out notes wishing the people well or providing counseling or things like that to help during the grieving process during times of need.

Q Does he offer spiritual guidance?

A If it's desired by the member, yes, he has that capability.

* * *

EXHIBIT 33

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

Case No. 8:14-cv-00550-DKC

AMERICAN HUMANIST ASSOCIATION, FRED EDWORDS, BISHOP MCNEILL, AND STEVEN LOWE,

Plaintiffs,

vs.

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION,

Defendant.

DEPOSITION OF
PHILIP BARTON ONDERDONK, JR.
MARCH 11, 2015

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* * * *

Q * * * I'm just trying to understand the significance of the cross shape in this monument.

A I don't believe the particular shape of any cross has a meaning in the sense of it's a veterans memorial, it's a veterans memorial.

Q Does the American Legion have any religious association or affiliation?

A No.

Q Does the American Legion include references to God in its purposes and mission statement?

A Yes. It starts out, For God and Country, we associate ourselves together with the following purposes, and then it lists the secular purposes.

Q Does the American Legion use prayer during its meetings?

A We will have an invocation and a benediction.

Q What is that?

A I don't understand what you mean. It's an invocation and a benediction.

Q Do you recall what is said during the invocation?

A The chaplain would be called to give the invocation.

Q A chaplain?

A A chaplain.

Q Does the chaplain refer to God in the invocation?

A He may.

Q Does the chaplain refer to Christ in the invocation?

A Not normally.

Q How about in a benediction?

A Same.

Q Can you describe the role of a chaplain in the American Legion?

A A chaplain provides comfort in times of great loss, especially death. Invocation and benedictions are done basically the same way Congress does. I believe that answers the question.

Q Are there any texts that the chaplains refer to?

A It depends on a particular chaplain. We've had chaplains that were Mormon, Hebrew, Christian, that's about as far back as I go. Beyond that I would have to check.

Q Did you have any atheist chaplains that you are aware of?

A I don't believe they want the job, but it's quite possible that we have. We don't ask for a religious affiliation. We don't keep the records.

Q Does the American Legion provide the chaplains with any written materials?

A I understand there is a chaplain's manual.

Q Are you aware of a chaplain's prayer book?

A I believe there might be one.

Q Are you aware of an American Legion manual of ceremony and prayer?

A I think there might be one. I, again, pay no attention to those.

Q Why don't you pay attention to them?

A Because they're not essential to the organization.

When we have a chaplain at the National level, he may or may not be ordained. At the Department and post level that is also quite true, and, in fact, many times they have no idea how to function as a chaplain. Do they have to follow the manual? No, but it's there for information.

Q You mentioned that you don't ask for religious affiliation. What do you ask for when somebody is applying for membership in the American Legion?

A Proof of eligibility. Military service during a period of war and an honorable discharge or separation or continued honorable service.

Q Anything else?

A That's the requirement.

Q Do you ask for their name?

A Well, of course.

Q Their address?

A Sometimes, but addresses change.

Q Is there any other information that you gathered other than identifying information and the proof of military service?

A No.

* * * *

EXHIBIT 34

The Jewish War Veterans Organizations and the Shaping of the American National Identity in the Twentieth Century

G. Kurt Piehler
The Center for the Study of War and Society
The University of Tennessee
220 Hoskins Library
Knoxville, Tennessee 37996
gpiehler@utk.edu

Society for Military History
Bethesda, Maryland
May 21-23, 2004

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The experience of veterans has received surprisingly little attention from historians, even for those who specialize in military history or the impact of war on American society. Despite the renewed interest by military historians in documenting the social history of the average combatant, there has been relatively little said about the transition servicemen/women make from war-time to civilian society. What we know about veterans is scattered and there is no synthesis of the American veteran experience comparable to such studies in American military history as Russell Weigley's The American Way of War or Alan Millett's For the Common Defense. Historians of gender and social welfare policy have begun to write about the emergence and impact of the pension and other benefits accorded veterans of the Revolution and the Civil War.[i] Given the impact of the Bonus Expeditionary Force on the re-election efforts of Herbert Hoover, we have several excellent monographs on this remarkable "March on Washington."[ii] There is also a bit of cottage history of works that trace the history of the small, but influential, Vietnam Veterans Against the War and other leftist organizations from this period.[iii]

Despite the political power and significance of the veteran's organization, we know surprisingly little about them. For example, why do veterans create and join veterans organizations? What role do these organizations play in the lives of veterans and the wider society? How influential are veteran's organizations?

Historians when they have focused on veterans and their organizations have tended to write about the large, mass-based groups. For instance, there are

several excellent studies of the Grand Army of the Republic, including Mary Dearing's classic study.[iv] Although the American Legion has spawned a good deal of polemical literature, especially during the 1920s and 1930s, scholarly assessments of the largest veterans organizations of the twentieth century have been fewer. Aside from some excellent dissertations, Bill Pencak's history of the American Legion is one of the few comprehensive studies of this organization. Unfortunately, Pencak's fine study does not examine the post-World War II history of this group.[v] The twentieth century's second largest veteran's organization, the Veterans of Foreign Wars has garnered even less attention from historians and no comprehensive study exists of this organization. Stephen Ortiz of the University of Florida is writing a pathbreaking dissertation on the Veterans of Foreign War and examining their role in the forging of the anti-Roosevelt coalition in the 1930s.

Historians have said even less about the smaller veteran's organizations. For instance, we know that after World War II from Robert Tyler's 1966 article in the American Quarterly of the attempt by the liberal and left leaning veterans of this conflict to form the American Veterans Committee as alternative to the American Legion. The American Veterans Committee did gamer significant support in the immediate aftermath of the V-J, but it never attracted the majority of World War II veterans to its ranks after it would be successfully tarred in the late 1940s as a Communist leaning organization.[vi] Aside from Tyler's fine article, no other scholar has examined the history of the American Veterans Committee.

There also existed in the twentieth century scores of ethnic based veterans organizations. These organizations included the Catholic War Veterans, Polish War Veterans, and scores of others representing different groups and nationalities. Although these organizations attracted relatively few veterans to their ranks in comparison to the Grand Army of the Republic, Veterans of Foreign Wars, and the American Legion, this paper will suggest that they merit further study, especially for their role in defining "Americanism" in the twentieth century. This paper will trace the creation of the first ethnically based veteran's organizations, the Jewish War Veterans, which was established in the late 1890s initially as the Hebrew War Veterans Association.

In considering the importance of veteran's organizations it is possible to both overestimate and underestimate their significance. The majority of veterans do not join a veteran's organization. This applies even to veterans of the Civil War and both world wars. This important caveat should be kept in mind whenever historians want to assess the significance of these organizations in understanding the American veteran experience in general. Moreover, veteran interest in joining organizations waxes and wanes. For instance, initially after the Civil War and the world wars, there were a significant number of former combatants who did join veteran's organizations. But as veterans approached "middle age" their interest waned. As veterans became older, veterans often expressed renewed interest in joining veteran's organizations. Also, veteran's organizations tended to increase their membership whenever they launched broad based campaigns to fight for

better veteran's benefits from the federal government.

Veteran's organizations have gained significant public recognition and several unique privileges. For example, many veteran's organizations, including the Jewish War Veterans, managed to win from Congress, special federal charters which give them unique standing under the law. These charters underscore the non-profit status of these organizations and emphasize their unique functions within American society. Congress often mandates that the annual reports/convention proceedings of veterans organizations have the status of "official" public documents. Most significantly, veterans organizations under federal law have a special role in representing veterans before the federal government to adjudicate claims for benefits. In the aftermath of the American Civil War, Congress prohibited veterans from paying a lawyer more than ten dollars to assist in filing a claim for pension or other benefit. But the federal government has granted certain veterans organizations the right to appoint service officers to assist veterans in pursuing claims for veteran's benefits. There are other more mundane privileges accorded veterans organizations. In many dry communities, the veteran hall was the only place one could obtain a legal (or semi-legal drink) in the twentieth century.

Most veteran's organizations have emphasized their non-partisan aims. At the same time, these organizations have often flexed significant political power in support of benefits for veterans. The Grand Army of the Republic lobbied with increasing success in the 1880s and 1890s to win generous pensions for

Civil War veterans. Despite opposition from two Republican Presidents and one Democratic chief executive, the World War I veterans through the American Legion and the Veterans of Foreign Wars managed to convince a reluctant U.S. Congress to pay them a bonus. The American Legion also played a crucial role in the passage of the 1944 G.I. Bill of Rights and in subsequent G.I. Bill legislation for Korean and Vietnam veterans.[vii]

Critics of veteran's organizations, especially during the Gilded Age and interwar years, often denounced the efforts of the "special interest" lobbying of these groups. It is important to recognize that only after the Second World War did a widespread consensus emerge among the general public that able bodied veterans were entitled to a special claim on the federal government for a broad range of benefits to aid their transition to civilian life. Although Civil War and World War I veterans did gain significant benefits, there remained significant ideological objections on both the right and left to granting special privileges to veterans. Many fiscal conservative blanched at the cost involved and the precedents that would be established by granting pensions or bonuses. There were many conservatives *and* liberals that maintained military service was an obligation of citizenship and did not merit awarding special privileges for those who simply answered their country's call to duty.

Veteran groups in lobbying for benefits for ex-servicemen/women were often successful in asserting the claim that military service entitled veterans to an array of benefits to compensate their service. A grateful nation, the Grand Army of the Republic

maintained, must ensure disabled and elderly veterans received pensions. Beginning with Civil War veterans, the federal government granted hiring preference to those who served in war-time. Although veteran organizations spent significant amount of energies on lobbying for veterans it would be a distortion to see them simply as a narrow interest group. Veteran organizations often displayed a genuine interest in defense policy, especially in areas related to the treatment of active duty servicemen and women. Most veteran organizations have seen their role as a unique guardian of patriotism and especially in the twentieth century as dedicated to defining what constituted a "good American." The Jewish War Veterans beginning in the late 1890s took part in broad political, social, and cultural debate over whether "Americanism" could be broad enough to include Jews, as well as the wave of immigrants who came from southern and eastern Europe in first Golden Age of Mass Immigration.

Jews until the French Revolution were universally excluded from holding political office as well as serving in the military. In sharp contrast, as the Jewish War Veterans would be fond of repeatedly emphasizing in their publications, Jews have fought in every American conflict since the Revolutionary War. Moreover, under the American Constitution of 1787, religious tests or qualifications could not be used exclude an individual from office holding. The American Jewish community was until the late 1890s a small one. The earliest Jewish communities in Newport, Charleston, New York, and Savannah were Sephardic (i.e., Mediterranean) in origin. A significant number of German Jews immigrated to America after the failed Revolution of 1848. Many

German Jews embraced the Reform movement and sought to assimilate into mainstream American society.

American Jews, like other Americans, fought on both sides of the American Civil War. Although the small American Jewish community could offer only a small contingent of troops to either side, the Civil War would be the first conflict in which rabbis would serve as chaplains within the U.S. Army. After the war, Jewish veterans joined the mainstream Grand Army of the Republic. Not until 1894 would Jewish veterans of the Civil War veterans gather in New York City to form the "Hebrew Union Veterans Association."[viii] Almost immediately after they returned home, Jewish veterans of the Spanish American War formed their own organization, "Hebrew Veterans of the War with Spain." These two organizations combined in 1912 and immediately after the First World War opened up their membership to Jewish veterans of the First World War. In 1924, the organization changed its name from the Hebrew Veterans of the Wars of the Republic to the Jewish War Veterans.

Why did Jewish veterans wait until the 1890s to decide to form a veteran's organization? Anti-Semitism. As one past commander of the organization wrote in 1934 convention program, stated, the Jewish war veterans united to fight a "tidal-wave" of "poisonous propaganda of passion and prejudice, of Religious bigotry, intolerance, and race hatred."[ix] The most baseless anti-Semitic utterances portrayed Jews as a money lovers who would never risk life and limb for country. The Jewish War Veterans saw the need to remind Americans, even fellow veterans,

of the service of Jewish soldiers in America's wars in order to combat anti-Semitism. Throughout the organization's history, convention programs, membership flyers, press releases, and other publications constantly recount the service of Jewish soldiers and sailors in America's wars.[x] It sought to put an end to the lie that Jews were loyal Americans who had served their country valiantly in time of war. As the 1933 Convention Program declared:

> Only recently, on the East Side of New York City, in a small Jewish cemetery, there were discovered the graves of 16 Jews who had fought under Washington in the Revolutionary War. In an old cemetery on 23r[d] Street, New York are the graves of Jewish heroes of the War of 1812. Records of the Mexican, Civil, Spanish-American and World Wars sparkle with their contribution, bravery, and achievements. Jews furnished a greater percentage of soldiers who served in all wars of our Republic than any other group under the American Flag. Who can detract from the patriotism of Jacobson's seven sons in active service or Libby Goldstein who had twenty grandsons in active service in the World War?"[xi]

The emergence of anti-Semitism is part of a growing nativist sentiment aimed at Jews and other immigrants that made up the wave of massive immigration from Southern and Eastern Europe. Although many Americans embraced a cosmopolitan vision of the American national identity, historians such as Robert Higham and others have documented the growing emergence of nativist movement that sought to limit immigration of "undesirable" immi-

grants and to speed their assimilation into the melting pot.[xii] In the case of American Jews, many newly arrived immigrants faced dire poverty, living in overcrowded urban centers and faced grim conditions working in sweatshops or as peddlers. Both newly arrived immigrants, but even many older Jews, faced increased discrimination that would increasingly be formalized in the opening years of the twentieth century. Not only were Jews often restricted through real estate covenants on where they could live; but quotas often limited their numbers at many institutions of higher learning. Many businesses simply refused to hire Jews.

During the First World War, many questioned the loyalty of many hyphenated Americans. Could these new immigrants be trusted to fight? There is no question that anti-Semitic and nativism existed within the U.S. Army during the First World War. Moreover, the work of Joseph W. Bendersky in "The Jewish Threat: Anti-Semitic Politics of the U.S. Army shows a significant number of officers in the early twentieth century saw Jews as an undesirable nationality and questioned their suitability as soldiers. In the aftermath of the Russian Revolution, there remained a cadre of officers in military intelligence determined to find a Jewish connection for explaining the Bolshevik threat at home and abroad.[xiii]

At the same time, there remained a significant number of national leaders who saw the First World War as an opportunity to use military service to speed the integration of Jews and other groups into the "melting pot." The decision to use conscription to raise an army, Jews and other newly immigrants

were drafted in large numbers. As a result, the Army faced the reality of coping with a diverse and ethnically diverse group of draftees. In American All!, Nancy Gentile Ford shows that the military could be remarkably sensitive to the cultural and religious sensibilities of many of these immigrant soldiers. In the case of Jews, the Army worked with the Jewish Welfare Board to ensure an adequate number of rabbis served as chaplains. Not only did the Jewish Welfare Board establish rest centers for Jewish soldiers, but they undertook to encourage the Army to offer furloughs to troops so they could attend services on the High Holy Days of Rosh Hashanah and Yom Kippur.[xiv]

Anti-Semitism remained a central reason for the formation of the Jewish War veterans, but I would argue that it would be incorrect to view this organization as existing solely because mainstream veteran's organizations excluded them. For instance, it is difficult to characterize the American Legion as a nativist organization. True, the American Legion joined scores of nativist organizations, but also the more mainstream American Federation of Labor, in lobbying for restrictions of immigration from southern and eastern Europe. American Legion publications, especially during the Red Scare, emphasized the sinister role foreign aliens played in stirring up radical agitation within the United States. The Legion worked closely with J. Edgar Hoover's FBI to keep "subversive" organizations under surveillance, especially during the 1930s and Cold War. In addition, the Legion took upon itself the role of ensuring that schools and university prevented "Red" teachers and books from entering the classroom.

At the same time, the Legion was a remarkably diverse and ecumenical organization. Although many Legionnaires were conservative, there still existed the anomaly of the very liberal William Straight Post No. 841 in Manhattan sharply disagreeing with many pronouncements of national organization, especially relating to questions of civil liberty. In an era of substantial nativism, Roman Catholics and Jews joined in large as members. Moreover, several Roman Catholic priests, as well as a Jewish rabbi, would serve terms as national chaplain of the American Legion. In promoting a vision of Americanism, it emphasized the unity of all Americans and it did not explicitly exclude any American World War I veterans from membership based on their ethnicity or national origin (although it did tolerate racial segregation/exclusion of African American veterans in the South).

There remained important similarities between the way the Jewish War Veterans and the American Legion were organized. Both organizations used the "post" as the basic building block. Posts ranged in size and in the activities they sponsored. What is clear is that many veterans who joined the Jewish War Veterans and other similar organizations maintained a strong desire to continue war-time comradeship into peace-time. Posts not only did good work for fellow veterans and their communities (i.e., visiting sick veterans, youth athletics, school programs, etc.), but they also were networks for social interaction. Like the Legion, the Jewish War Veterans held an annual national convention that served not only as an opportunity to influence public policy, but also served as another outlet for comradeship. The Jewish War Veterans no doubt offered many

Jewish veterans a place where they could observe dietary restrictions and religious rituals without any self-consciousness.

Leaders of the Jewish War Veterans were aware of their limited numbers. In the early 1930s, Comrade Joseph F. Barr reminded one national convention that their organization numbered only around 10,000 paid members and had to "speak for approximately 225,000 Jewish World War veterans."[xv] Morever, this awareness of limitations is also reflected in the attitude of the Jewish War veterans towards other mainstream groups. As an interest group, the Jewish War Veterans not only represented Jewish veterans before the federal government and general public, but it also sought to influence the policies of other veteran's organizations, especially the American Legion. Dr. Hyman Shapiro before the 1935 National Convention warned his fellow Jewish comrades about becoming an "inclusive" body and not mingling "our energies and activity to the other veteran organizations." Active in the American Legion and a medical consultant to this group's Rehabilitation Committee, Shapiro declared, "I know that the best interests of the Jewish War Veterans can be served by belonging to the Spanish War Veterans, the Veterans of Foreign Wars, the American Legion and other organizations..."[xvi]

Dr. Shapiro pointed with pride to his work in getting the Legion to "condemning Nazi and other minority activities in these United States." But, there would be significant differences between the Legion and the Jewish War Veterans. For instance, the Legion's national convention after considerable debate refused to condemn the Ku Klux Klan in the

1920s. In a number of rural Midwestern and southern communities, the Klan and Legion memberships were one in the same. Politically, the Jewish War Veterans embraced a more open immigration policy, especially in the 1930s. Even in the face of a growing refugee crisis, the Legion in the late 1930s refused to drop its opposition to strict immigration restrictions. Although the Legion advocated military preparedness, it remained cool to the idea of intervening in another European War. In contrast, the Jewish War Veterans took an active role in urging Americans to oppose the rise of Nazi Germany far earlier than the American Legion or other mainstream veteran's and many other non-veteran organizations.

The Jewish War Veterans was a veteran's organizations, but it also must be understood as a "Jewish" organization. Just as important to the leadership of the Jewish War Veterans were the links it formed with other Jewish organizations to advance the interests of the American Jewish community and to protect Jews abroad. To this end, the Jewish War Veterans took an active role in 1933 in organizing a systematic campaign within the United States to protest against the racial policies of Nazi Germany. [xvii] Jewish War veterans alone and with other anti-Nazi groups marched in protest parades. After 1933, Jewish War Veteran publications publicized Nazi anti-Semitism and the need to boycott German goods. [xviii]

In urging the membership of the Jewish War Veterans to redouble their support of the national organization, Comrade Joseph F. Barr urged them to remember that they not only belonged to a veteran's organization, but that the organization's constitution

also committed them to "support other Jews." In his report he bluntly declared, "... I am a Jew and I am talking to Jews. I am a Jew and I am telling you that the time is coming when you are going to face that thing which those Jews in Germany have faced for the last three years." In urging fellow veterans to speak out and use every opportunity to encourage broadcasting companies to "carry our message" he also called upon them to remember to fight. As he ended his speech, Ban declared that he had no intention of going back to the Ghetto and would rather die than live in one. He urged members to fight in order to "worship God as you see fit; and second the right to live in your own way."[xix]

Not all Jews thought fighting was the answer. In 1936, the Central Conference of American Rabbis declared that Jews could claim consciousness objectors status based on the precepts of Judaism. The Jewish war Veterans lashed out at this group of Reform Rabbis for declaring that "bearing arms is inconsistent with the 'highest interpretation of Judaism.'" In the view of Julius Klausner, National Intelligence Officer of the Jewish War Veterans, the "modern Jew, the American Jew, must be prepared to fight for the attainment and preservation of sholem just as did the Maccabees and the Jewish military heroes of Biblical, medieval, and modem history."[xx]

A reading of the literature published by he Jewish War Veterans in the 1930s in some ways tells a depressing story. Ernest Jewish veterans did take up Barr's call to mobilize to oppose the Nazi regime. The extent and goals of the Nazi regime were publicized in the pages of the organization's magazine, the

Jewish War Veteran and other publications. Eventually, American Jews would join other Americans in having to fight the Nazi regime in the Second World War.

The Jewish War Veterans in the postwar would continue the fight for an Americanism that would embrace an end to Jewish quotas at American universities, but also civil rights legislation that ended Jim Crow segregation in the South. Like the American Legion, the Jewish War Veterans would often cooperate with J. Edgar Hoover in the early 1950s to root out Communists within American society.[xxi] The Jewish War Veterans joined other Jewish organizations in marshaling public and U.S. government recognition of the State of Israel in 1948.

Given the constraints of time, I am not able to develop my analysis of the Jewish War Veterans in the postwar period. For instance, I am fascinated by the ties some of the leadership had to the Republican Party. Brigadier General Julius Klein, a major force in the organization in the 1940s and 1950s, had significant links to Senator Robert Taft. Klein also got to know George Marshall when this future Army Chief of Staff served as a regular officer with the Illinois National Guard. After 1945, Klein lobbied both men to support the recognition of the State of Israel.[xxii] In examining the history of American Jewry we correctly write about the significant role Jews played in America's liberal and radical traditions. American Jews did in overwhelming numbers embrace the New Deal and the postwar liberalism that followed. At the same time, it is also clear that the history of the Jewish War Veterans suggest that there existed a small, but not insignificant "con-

servative" movement within American Judaism in the twentieth century. At the same time, it is also clear that the Jewish War Veterans challenged the cold war consensus regarding reconciliation with West Germany. Into the late 1940s, the Jewish War Veterans expressed misgiving regarding the extent of anti-Semitism present in Germany and incorporating West Germany into the Western Alliance.[xxiii]

Since so little has been written about other small, ethnically based veteran's organizations, I cannot make any comparisons between them and the Jewish War Veterans. I do know from the files of the Jewish War Veterans there remained a significant amount of contact between the Catholic War Veterans and the Jewish War Veterans. For instance, Catholic clergy and the leadership of the Catholic War Veterans were often invited to Memorial Day service sponsored by the Jewish War veterans. Nativist sentiment, especially in the 1920s, no doubt bound some Catholic and Jewish veterans together as they sought to fight the influence of the Ku Klux Klan. I also want to know more about the ties between African American civil rights organizations and the Jewish War veterans.

Like most veteran's organizations, the membership of the Jewish War Veterans is greying and declining. In the 1990s, shrinking membership forced several posts to sell their headquarters buildings. Vietnam veterans have not been joiners to the same degree as their counterparts from the world wars. But I also think it is premature to write off either the Jewish War Veterans or similar organizations. As the Vietnam veterans approach retirement, they may decide to join not only the Vietnam Veterans of

America, but also organizations, like the Jewish War Veterans and American Legion. Finally, the wars in Afghanistan and Iraq are creating a whole new generation of veterans.

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[xv] Comrade Joseph F. Barr, Remarks, "Fourteenth National Encampment, Jewish War Veterans of the U.S., Saratoga Springs, New York, August 30-31, September 1-2, 1935, p. 39, 1935 File, Box 1A JWV Convention File, National Museum of American Jewish Military History, Washington, D.C.

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EXHIBIT 35

CRACK SURVEY OF THE
Memorial Peace Cross in
Blandensburg, Maryland

Draft 7 May2015

Submitted By:

DAVIS BUCKLEY ARCHITECTS AND PLANNERS

1612 K Street NW, Suite 900
Washington, DC 20006
Tel: (202) 223-1234 Fax: (202) 223-1212

In the Spring of 2015, Davis Buckley Architects and Planners performed this crack and conditions survey of the Bladensburg Peace Cross for the Maryland-National Capital Parks and Planning Commission. Dedicated in 1925, since then the thirty-five foot high concrete mosaic Peace Cross has undergone one major conservation effort (in 1985), and many of those repairs have now failed. In 2015, portions have delaminated, wide cracks have opened and the Cross is visibly deteriorating. This study is intended to document the damage, providing information for analysis contributing to a repair project. DBA recommends that a structural engineer should be engaged to review the crack survey. In addition, we recommend that a ground penetrating radar survey of the cross should be commissioned to provide further information about the structure of the Cross.

History

The Bladensburg Cross

Sometime before July 1919, local residents organized the Prince George's County Memorial Committee to erect a memorial to the fifty-four county natives lost in World War One. Headed by John R. Riggles, who also headed the Good Roads League of Prince George's County, this memorialization effort was closely tied to the regional transportation improvement project. The Memorial Committee also included many mothers of sons who had died in the war. The Town of Bladensburg donated a newly prominent site for the effort, located at the southern end of the new National Defense Highway (now Maryland 450), where it joined Baltimore-Washington Boulevard (Route 1), beside the Anacostia River, which also serves as the main gateway

to Bladensburg from Washington DC. On September 28, 1919, just ten months after the Armistice, the Prince George's County Memorial Committee held a ceremony that included a groundbreaking for their Memorial Cross, as well as a dedication for the National Defense Highway. At the event, Secretary of the Navy Josephus Daniels likened the fidelity of those lost in the war to the new concrete highway, stating "A concrete highway...that will be a boon to the traveler from far and near, that will never fail in rain or sun, that every day in the year will present an unalterable face to every duty expected of it, as did the men in whose honor it was named; and a cross that will stand for time and eternity, like the principles they defended."[1] Bereaved mothers broke ground for the memorial and dedicated the new highway.[2]

The initial publication described a "great cross of snow-white cement," which will be "forty feet high and have arms sixteen feet in length. It will bear at its heart a great gold star, while to its base will be affixed a bronze tablet bearing the names of those in whose honor it is built."[3] Other documents described the proposed memorial as "40 feet high (cross part weighing 16 tons) built of snow white Portland cement, made in Maryland and mixed with Mary-

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[1] Prince George's County Memorial Committee. "Memorial Cross to the Heros of Prince George's County, Maryland" Informational pamphlet.

[2] Richard A. Wilson, "The Bladensburg War Memorials," *Prince George's Magazine*, Fall 1983, 9.

[3] Prince George's County Memorial Committee

land's own blue limestone."[4] Marshall J. Smith, architect, Louis de Franceski, sculptor, and Fred Drew, contractor, were associated with the building of the monument.[5] The Memorial Committee collected donations throughout 1920, soliciting individuals and businesses, holding dances and other fundraisers. By November, 1920, the Memorial Committee had raised $1,523.16, and those funds were spent on some construction. It is unclear the extent of this initial construction, but it included excavation and perhaps the casting of concrete footings.

The Memorial Committee's efforts flagged in 1921, and the Snyder-Farmer American Legion Post (later known as the Snyder-Farmer-Butler Post, now incorporated into Colmar Manor Post 131) took up the effort, with John H. Hiser as chair of the Post's Memorial Cross Committee.[6] A May 2, 1924 article in the Prince George's Enquirer states that, since acquiring the site, the American Legion Post had purchased earth to "place in the pit in which the cross stands."[7] They also commissioned a new design

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[4] "Fiftieth Anniversary" pamphlet prepared for the fiftieth anniversary of the dedication of the Peace Cross, photocopy available at the Archives of the Prince George's County Historical Society.

[5] On November 7, 1919, Fred Drew agreed "to do the cement [illegible]d excavating in the 15x15 base 18 inches deep for 10% over cost of labor." Receipt in Peace Cross Clipping file at Archives of the Prince George's County Historical Society.

[6] "Legion Dedicates Bladensburg War Memorial Cross." *Washington Post* 13 July 1925.

[7] "The Story of the Memorial Cross" Prince George's Enquirer May 2 1924.

for the cross. Rather than a "snow white cement cross" designed by Smith and deFranceski, John Joseph Earley became associated with the work, constructing a sand and rose colored mosaic concrete cross with a multicolored American Legion seal at the crossing. In total, the costs of the Cross were estimated at $25,000. On July 12, 1925 the American Legion held a dedication for the completed Memorial Cross.[8]

John Earley understood his mosaic concrete to be amongst the most durable construction materials available. Time has shown, however, that he underestimated the movement of concrete structures, particular those outside, and the Cross is cracking and delaminating due to water infiltration and differential movement. Records indicate that there were concerns about the condition of the Cross in 1961, but the first documented repair project occurred in 1985, when the Preservation Technology Group investigated the Cross and Universal Waterproofing Service, Inc. (Linden, NJ) installed new concrete at delaminated areas, filled cracks with tinted mortar, and added vents at the base and above the crossing to diminish the moisture build-up at the interior of the hollow structure.[9]

In 2015, some of the 1985 repairs have failed, and new cracks have opened, but the form of the Cross remains little changed. The four vents installed in 1985 are the only actual physical changes that have

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[8] "Legion Dedicates Bladensburg War Memorial Cross" Washington Post July 13, 1925.

[9] Filippelli Report.

been made to the structure. Its site, however, has evolved significantly, bringing the Cross into closer proximity to traffic, exposing it to more environmental pollutants, and knocking it off its designed axis.

At the time of its dedication, the Cross was set on a rise, in the center of a large triangular grassy park formed by the intersection of the new National Defense Highway (now Maryland 450), where it joined the Baltimore-Washington Boulevard (Route 1). Travelling from Washington DC to Baltimore, cars on Route 1 proceeded northeast, on a bridge over the Anacostia. Route 1 then abruptly turned north. The new National Defense Highway proceeded directly east from this intersection, and these three roads formed a large triangular median, with the Peace Cross in its center, on axis with the bridge. A low rubble retaining wall lined a portion of the site, and the Cross formed the clear focal point of the important intersection. In 1965, the Cross was lighted for the first time.[10] Over time, roads were widened, the bridge was realigned, road grade was raised and the rubble walls disappeared. Most significantly, to provide more direct, high-speed access between these roads, new lanes were added through the triangular park and consuming much of the landscaped intersection as designed. In 2015, The Peace Cross stands only slightly above grade, in an open planting circle populated by low seasonal plants, part of a narrow elliptical-shaped grassy median, remnant of the once-gracious triangular

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[10] "Lights Go On at Peace Cross." *Washington Post* 2 April 1965. B9. The Rotary Club of Bladensburg funded the installation of the lights.

park. Rather than the center and focal point of the zone, the Cross stands just southeast of the main road crossing. Still clearly towering over the space, it is no longer the clear focal point.

Originally, small lightly built shops lined the roads to the north, east and south of the Cross, but in 2015 the area to the north, west and south of the intersection is open landscaped area, and a light industrial area lies to the northeast. A large memorial to the Battle of Bladensburg has been built north of the Cross, and on the south side of Maryland 450, monuments recognize those lost in World War Two, Korea, Vietnam and in the September 11, 2001 attacks. Over time, the Memorial Cross has become the centerpiece of a larger memorial park, while road changes have made it less visually important, and a more difficult place to occupy as a pedestrian.

John Joseph Earley and the Earley Studio

A relentless innovator, throughout his career sculptor/architect John Joseph Earley took on new challenges that obligated his skilled studio of craftsmen, headed by Basil Taylor, to constantly create new processes and approaches. Earley's Irish-born father James founded his Washington DC studio to specialize in stone carving, but under John, the studio found their true medium in concrete, and in the years between 1915 and 1925 they developed an unchallenged mastery over it, exploiting concrete's plasticity and polychrome potential to create durable and beautiful architectural and sculptural works throughout the United States. Rather than Brutalism's characteristic mass and strength, the Earley Studio found a delicacy and decorative capacity within concrete that few others have recognized.

Just twenty five years old when his father died in 1906, and faced with the task of keeping the skilled craftsmen of his father's Foggy Bottom studio employed, Earley specialized in decorative plasterwork, and took on perhaps mundane materials testing jobs, giving the studio's artisans a depth of experience experimenting with modern materials. In 1915, after a concrete wall mock-up for the new Meridian Hill Park was dismissed as too stark and dull, Earley proposed scraping away the smooth outer finish of the cast concrete, revealing the expressive warm brown Potomac River aggregate below. Constructing the terraces, balustrades and fountains of Horace Peaslee's park required the studio to develop specialized casting techniques, manipulating aggregate size and cement composition, developing innovative formworks, and fine-tuning curing processes. In 1919, while the work at Meridian Hill Park continued, architects Murphy and Olmsted offered Earley a new challenge, asking him to create concrete to rival stone mosaics. At the Shrine of the Sacred Heart, at 16th and Park NW, Earley finished the interior with multicolored concrete: sand and rose-colored wall planes, contrasting green and red decorative bands, with figurative religious iconography, all produced by the careful selection and arrangement of the aggregate and mortar. The church opened to great success in 1923, and between 1925 and 1929, Murphy, Olmstead and Earley built build six more churches across the county, allowing them to improve and perfect their polychrome casting techniques.[11] In 1919-1920, Earley's Studio also produced Loredo Taft's

[11] SESAH info.

Fountain of Time, for the Midway in Chicago. More than one hundred feet long and twenty feet wide, Earley cast the sculpture in 4,500 separate, hollow concrete pieces reinforced with steel, which were then shipped and reassembled on the site.[12]

A hollow, cast concrete structure with decorative bands and multi-colored plaques at the crossings, the Memorial Cross borrowed from the mosaic and thin-panel methods developed at the Shrine, but applied them to an exterior use, as at the Fountain of Time. Constructed concurrently with their string of church commissions, the Cross benefited from and contributed to their technical improvements of the period.

Earley's studio took on many prominent, challenging concrete commissions throughout the United States, including the Parthenon in Nashville (1920), and the Ba'hai Temple in Wilmette Illinois (1930). With a studio in Foggy Bottom, later relocated to Rosslyn, however, the Earley studio completed distinctive, decorative concrete works throughout the District of Columbia, including and individual residences, decorative panels for commercial buildings, grand entryways, and landscape elements,. Earley's decorative concrete is also a rare regional expression in a capital city that largely projects its national character. Earley passed away in 1945, and while his studio continued to operate for another two decades, their ambitions dimmed somewhat, and the expressive force of Brutalism became the dominant concrete style.

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[12] William Cron, *The Man Who Made Concrete Beautiful.* (Ft. Collins CO, Centennial Publications, 1977)

Structure

Research and the exterior survey have not provided enough information to fully understand the structure of the Memorial Cross, and DBA recommends performing Ground Penetrating Radar in the next step, which will indicate the location and condition of the steel within the structure, and can also provide information about the foundations. Based on information in Earley's papers, and information from Robert Armbruster, who has restored several Earley works, they initially constructed a hollow, rough-cast concrete Cross, likely on a steel armature. Cracking at the cap suggests that a steel post rises up the center of the cross, with perpendicular steel elements supporting each of the arms. There is no information regarding how the assumed steel post may be attached at the base.

At the surface there are only three clearly visible seams on the piece, indicating separate casts. A seam beneath the plinth and shaft, and the medallion at the center of the crossing on the "Courage" and "Valor" facades were cast separately and set into the faces of the cross. Earley obscured the other seams through the use of 45 degree screed boards, creating overlapping cast edges. The joints between the tan field and pink trim are crisp and clear, rarely thicker than a fingernail. Earley's studio achieved this continuous, unseamed skin through careful and clever use of screed boards. Pours were separated by narrow screed boards with a taper to keep edges smooth. At corners, screed boards were set at a 45 degree angle, so subsequent pours overlapped earlier casts, obscuring seams. Through careful control,

Earley's studio created a seamless monument exploiting the plastic characteristics of concrete.[13]

Condition

In general, the north, "Devotion" side of the Cross is the most deteriorated, as it the shadiest, leading to greater water retention, and consequent freeze/thaw damage. In particular, large portions of the underside of the crossing on that side have spalled off. Severe cracking at the northern edges of the "Courage" and "Valor" facades suggest movement and pressure in the structure below. In addition to spalled areas, and wide cracks, powdery white efflorescence on the façade indicates moisture from the interior is moving through the concrete skin in many locations. Harder, built up white residue may be evidence of an alkali-silica reaction, wherein alkaline cement and the silica found in aggregate react, causing the formation of a calcium s ilicate hydrate gel, which expands with water. Along with freeze-thaw, this gel reaction may be widening existing cracks in the face of the cross, as the hardened gel is exposed to further moisture. This hardened gel appears more often toward the bottom Cross, where water likely remains for the longest period. Hairline cracks appear in some locations, but do not present major concern. A few other types of stains and damage were found on the Cross, and are illustrated in the crack survey, but spalling, cracking, efflorescence, and expanding alkali-silica gel are the principal concerns at the exterior of the Memorial Cross.

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[13] 7 May 2015 email response from Robert Armbruster.

Plinth Plan

The wide top of the plinth, five feet above grade, is sloped away from the shaft of the Cross. At the northwest corner, a diagonal crack extends from the corner of the shaft to the corner of the plinth, with a small concrete spall. There is a narrower crack at the southeast corner. Efflorescence on the north side suggests the presence of water within the skin. The lower section of the plinth, the curb just above grade, is in good condition, with minor hairline cracks, impact damage, and oxide staining from the plaque on the Valor façade.

Cap

The top of the Cross is approximately five feet square, and there is no indication that this cap was cast with any slope or chamfer. In 2015, the center of the cap stands more than an inch higher than the other sections, and the surface of the cap has severely cracked. It may be that in ninety years, the concrete has shrunk slightly, and the central raised area indicates the presence of a steel support post, which may be expanding slightly as water infiltration causes to oxide jacking and expansion.

Top of Arms

Quarter-round elements, set into the corners identify this as a Celtic Cross. Each of the arms is about five feet wide, and about four feet nine inches long. A wide rose-colored strip, the width of the quarter round, occupies the center of the arms, with sandy-colored aggregate on the two edges. The arms are slightly convex, perhaps due to ninety years of natural sag. Both arms exhibit hairline cracking, but no other damage.

Bottom of Arms

As at the top of the arms, quarter-round elements are located in the corners of these planes, with wide rose-colored center strips and buff colored concrete at the sides. The underside of the northern arm, is the most deteriorated and damaged section of the Cross. The aggregate on the quarter-round section remains intact, but all the remaining rose-colored concrete has spalled away, along with most of the sand-colored concrete on the west side. Portions of the rough-cast concrete below have also fallen way, and areas of rust-staining indicate the deterioration of the reinforcing within the thin-shelled skin. Efflorescence has bloomed on the quarter round section and in the remaining finished concrete on the surface. The underside of the south arm shows signs of efflorescence, indicating that water is passing through the surface.

Images from the 1985 work indicate significant spalling at the underside of the north arm, so it is likely that much of the spalled area is from that renovation project, rather from the Earley construction.

Courage Façade (Northeast)

A three-inch wide band of rose-colored concrete follows the perimeter of the towering Cross and enhances its sand-colored face, with the gold, blue and green seal of the American Legion at the center of the crossing. The northern arm of the Cross has serious cracks, a small spalled area, and a line of efflorescence rising from the bottom of the arm. Wide cracks run parallel to the northern edge of the façade, indicating there is significant movement where this façade intersects the northern side. These cracks

have opened up at the seam between the sand and rose colored sections, but also closer to the corner. Toward the bottom of the Cross the tough residue suggesting alkali-silica gel, exudes from the face of the Cross. The mounted letters at the base of the shaft are likely bronze. Their copper content has caused the cleaning of dark biological growth below. Alkali-silica gel, or another hard residue, is seeping from behind the letters, likely through their places of attachment. The rectangular plinth supporting the Cross is sand colored concrete, with a rose-colored band articulating the rectangular central panel. A few hairline cracks pass along the face, and biological growth has darkened the face of the plinth.

Endurance Façade (Southeast)

The Endurance façade is in the best condition. Added in the 1985 conservation, two small vents, at above the quarter-round at the top of the crossing, and at the base, provide a measure of ventilation to the hollow core. Two small, round PVC pipes were installed as well, perhaps to drain moisture collecting in the arm. Some efflorescence is apparent at the quarter round element below the crossing, and hairline cracks are present. There is minor impact damage, and only minor biological staining at the plinth.

Valor Façade (Southwest)

Similar to the Courage façade, damage at this façade is clustered toward the north side. There is a large crack at the top of the Cross, which continues one of the deep cap cracks, and has resulted in the loss of a small section of concrete. At the top of the Cross, this condition is causing water infiltration, and has advanced significantly since the 2010 Fil-

ippeli report. The American Legion seal on this façade has some exposed reinforcing bars. Currently, these members are not rusting, but the exposed metal should be treated.

A wide crack runs the full height of the northern arm of the Cross, and an additional crack runs the length of the arm, along the joint between the sand and rose-colored bands. A large section of sand-colored concrete has spalled from the bottom edge of the arm. As on the Courage façade, long, wide parallel cracks have developed at the northern side of the shaft, at the joint between the rose and sand colored sections. Two sections of the rose-colored band have spalled off, and rusting stains are visible. Hard, grey residue, perhaps alkali-silica gel, exudes from the lower portions of these cracks. At the plinth, the bronze plaque, honoring those lost in World War One, is attached to the base. Runoff from the plaque has stained the concrete below, and there is minor impact damage at the bottom curb.

Devotion Façade (Northwest)

The northern-most façade on the Cross, Devotion is the most severely damaged. As at the Endurance façade, vents were installed on this face in 1985 to provide ventilation to the hollow core. No small, PVC pipes were visible on the underside of this arm, but these may have fallen away with the failing concrete finished surface. A wide crack extends down from the cap, and efflorescence and a visible damp spot indicate water within the skin of the Cross here. Wide cracks extend the width of the end of the arm, with parallel cracks at the joint between the sand-colored edge bands and the rose-colored center. At the shaft, there is a wide crack on the eastern side of the

façade, following the color joint, and a second wide crack closer to the eastern edge of the façade terminates at the corner. At the plinth, a wide crack follows the joint between the sand and rose colored sections, and the western corner of the rose colored trim has spalled away, isolated by cracking. Hard, grey residue, perhaps from alkali-silica gel, exudes from the hairline cracks at the bottom of the plinth. Dark biological growth also covers the base on this face.

Recommendations

1. Attach a powder coated copper cap to the top of the Cross to minimize water infiltration into the cavity. The cap should lap over the sides of the Cross as minimally as possible, and should be affixed with reversible materials. This work should occur as soon as possible, in order to limit the ongoing water infiltration problem.
2. Perform a ground-penetrating radar test of the Cross and its base. Upon review, it may also be helpful to use a boroscope to view the interior of the Cross, inserted through the vent holes installed in 1985. Chemical tests would reveal if the gray, hardened build up at some cracks was product of alkali-silica reaction.
3. A Preservation Structural Engineer should evaluate this Crack Survey and the Ground Penetrating Radar results, and in consultation with a Preservation Architect, prepare a report on the causes of failure at the Cross, providing initial approaches to resolving the cracking and spalling.

4. Develop a Rehabilitation Construction Document set based on these Crack Survey Drawings and proposed solutions. Work should include:
    a. Minimization of water infiltration into the cavity.
    b. Remediation of causes of cracking.
    c. Repair of existing cracks.
    d. Repair of spalled areas.
    e. Cleaning of soiled areas.
    f. Exposed reinforcing at both medallions should be treated with a rust-inhibitive sealant.
5. A landscape designer should develop a means to protect the Cross from flowing water and environmental pollutants, while also improving the visual importance of the Cross.

Archives

Peace Cross Clipping File, available at the Archives of the Prince George's County Historical Society, located at the Greenbelt Library, 11 Crescent Road, Greenbelt MD.

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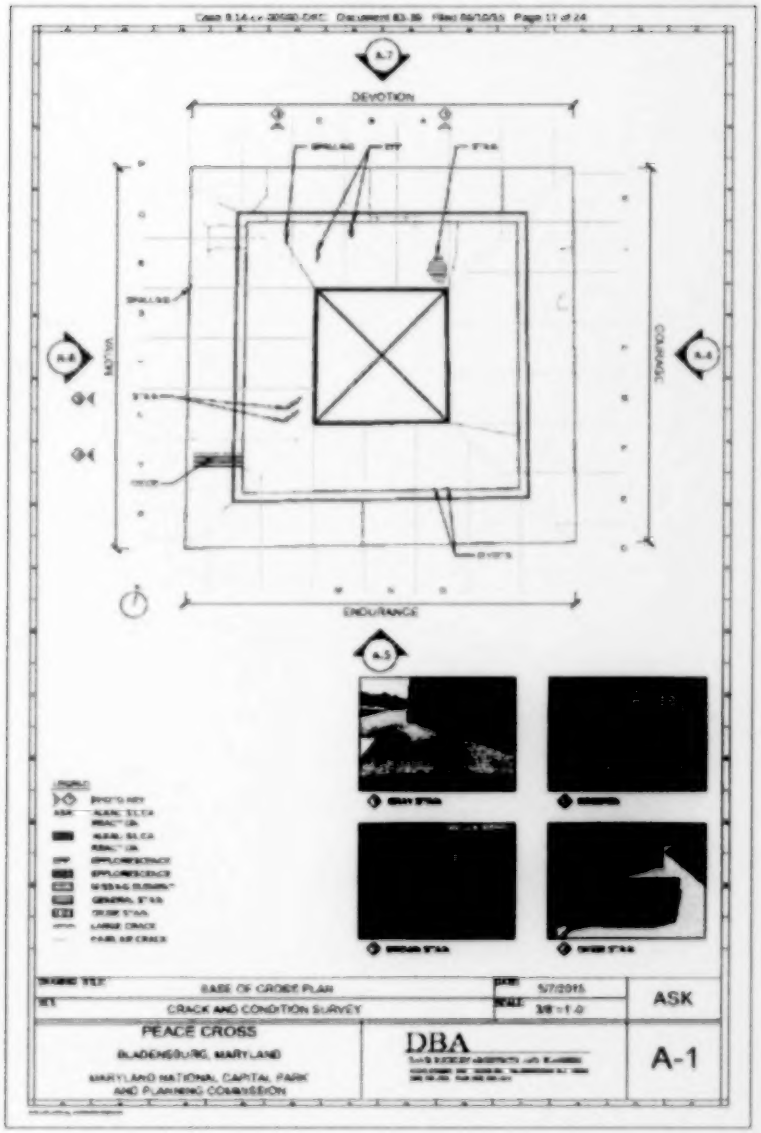
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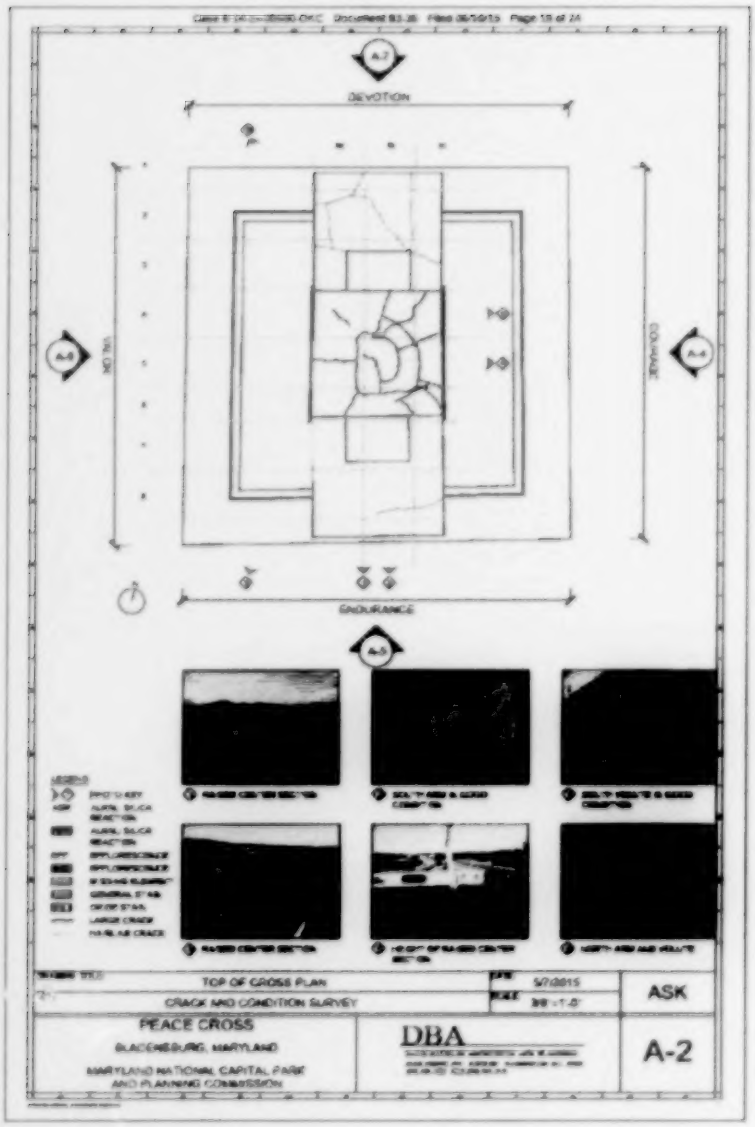
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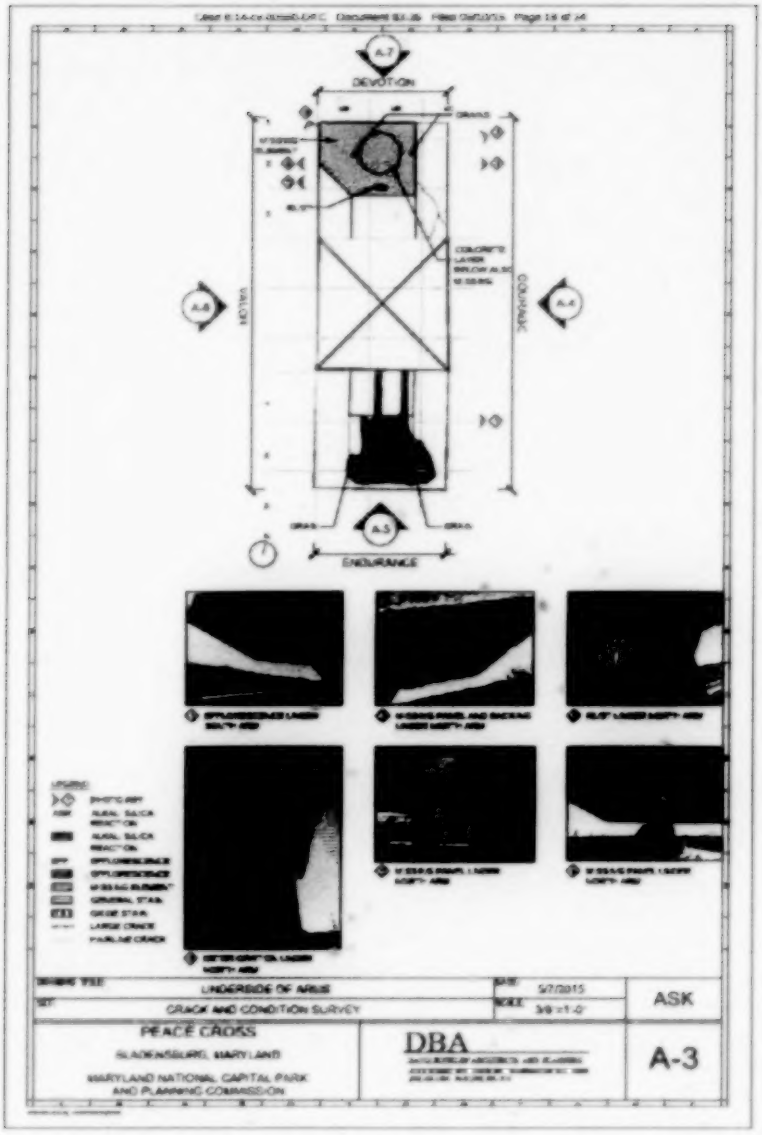
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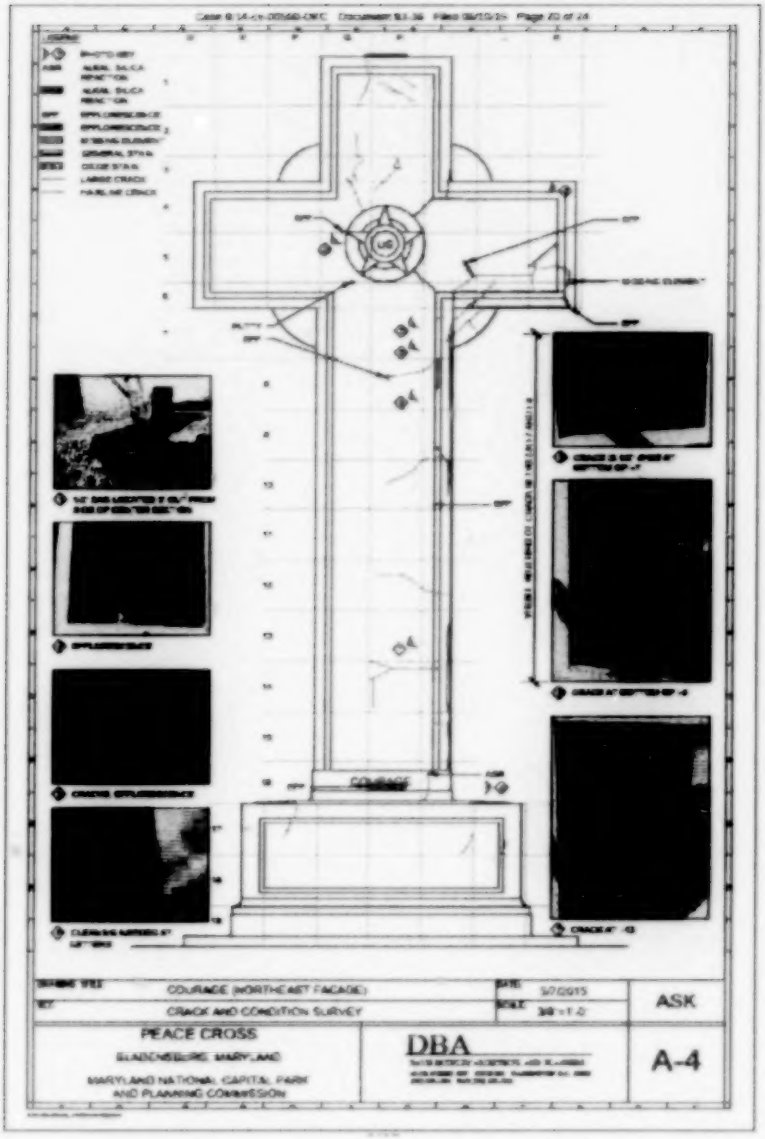
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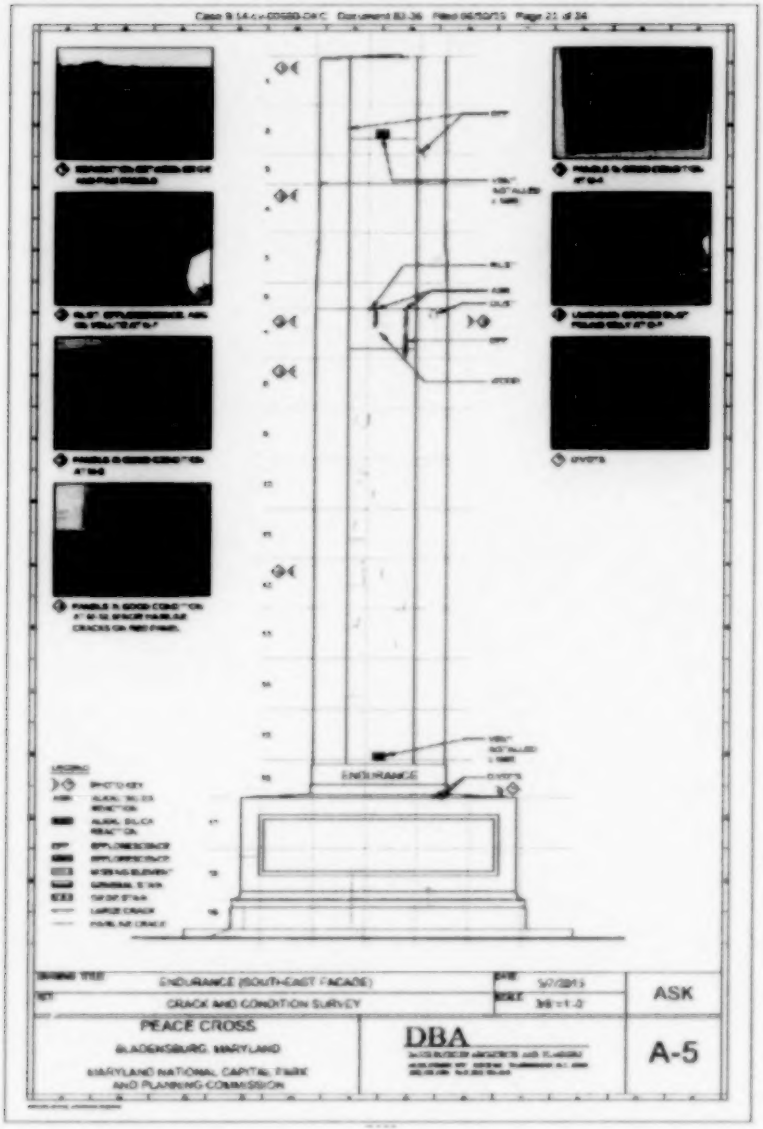
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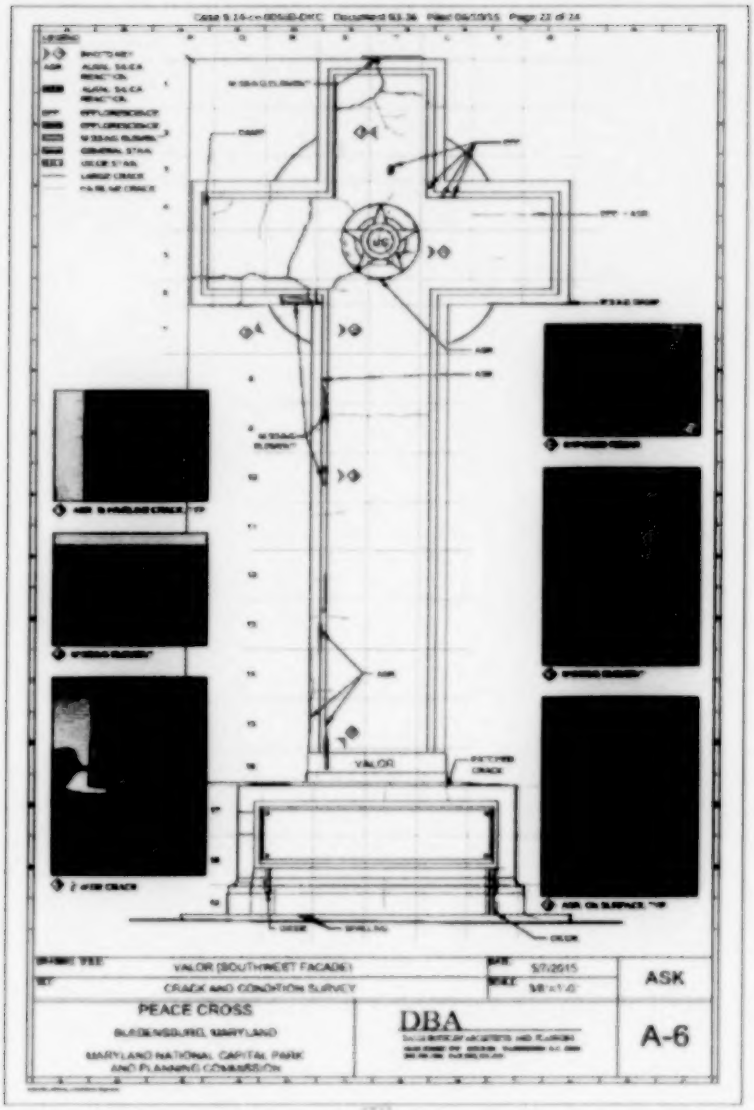
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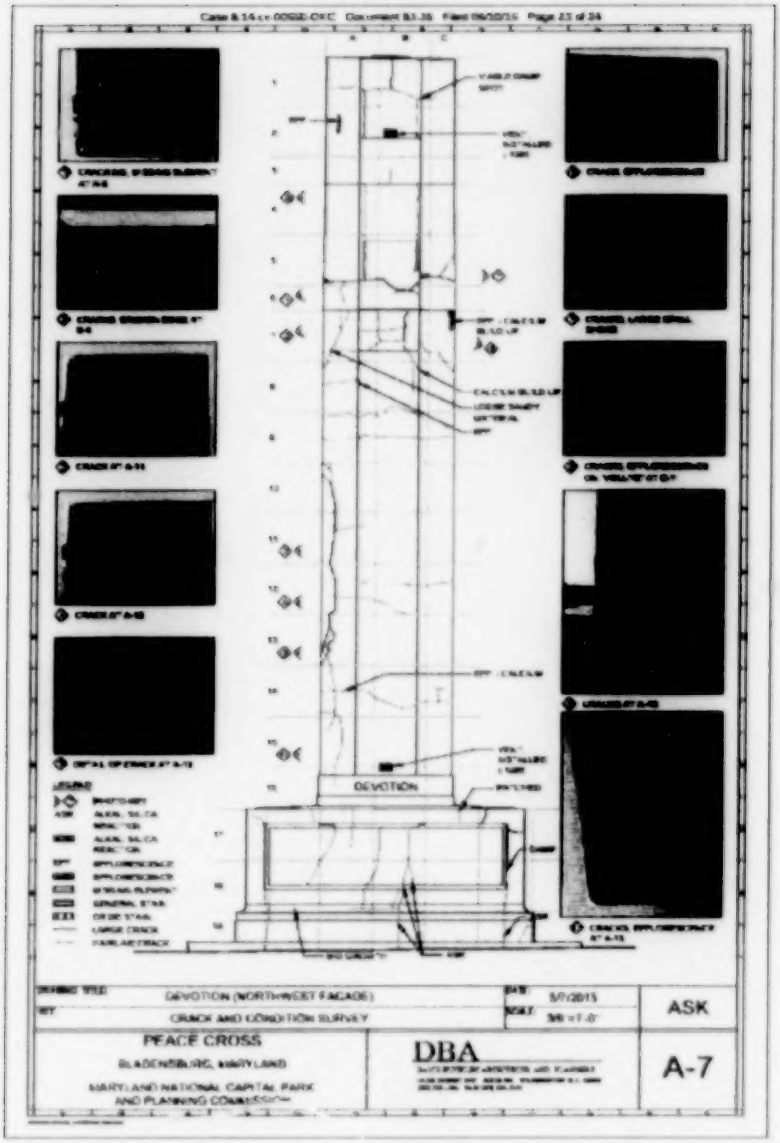
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EXHIBIT 37

THE PRINCE GEORGE'S ENQUIRER
DATED MAY 2, 1924

The Story of the Memorial Cross

Read This and then Decide What You Will Do

In order that as many of the people of Prince George's County as possible may be fully informed as to the facts concerning the Memorial Cross now standing in an uncompleted condition at Bladensburg, and to correct an erroneous impression, which appears to have gained more or less credence in the minds of some of the residents of the county, this history of the monument is presented in order that you may know all the facts and decide in your own minds whether the cross is to be completed and represent to all who see it the regard which we have for the fifty-four men who represent this county on America's immortal roll of honor, or whether the project shall be abandoned and admit that we do not care.

The movement to build this cross as a monument to the county's heroic dead who made the supreme sacrifice in the World War, still of recent memory, was started in 1919, placed in charge of a committee of representative men and women, and brought to its present uncompleted condition with the funds col-

lected by them. The Snyder-Farmer Post No. 3 of the American Legion took the matter over early in 1922 by agreement with the Prince George's County Memorial Committee, assuming all its assets and liabilities, and undertook to complete it. The assets consisted of the unfinished cross and the plot of ground which had been donated by the Town Commissioners of Bladensburg. The liabilities consisted of miscellaneous debts totaling between $500 and $600.

A drive for funds was launched by the Post at the annual banquet of Company "F" of Hyattsville on April 13, 1922, at which many of the people prominent in the social official and business life of the county were present. This drive produced about $1800 of which $840 was expended in liquidating the debts against the cross when it was taken over and in purchasing earth to place in the pit in which the cross stands. The balance of about $960 was on hand and in bank when the present drive began. At no time have any of the funds collected by the post for the cross been diverted to any other purpose but, on the other hand many members of the post have given largely of their time and energy, as well as the use of their machines in performing the manual labor of trimming the plot in an attempt to keep the movement alive. Thanks are due the Washington Suburban Sanitary Commission for the use of the tools whenever they were required. It must be borne in mind that all the early placed in the cross pit had to be purchased either by payment for both earth and hauling or by payment for hauling only, and owing to the, at times, high cost it was considered inadvisable to continue and the work has therefore lagged until

the necessary earth could be obtained at a reasonable figure.

When the cross was first started it was estimated that it could be built complete for around $5000. On account of advancing costs of both labor and materials it is now estimated that it will cost between $6500 and $7500 in addition to what had already been done prior to this time. The present drive is for $10,000 to complete the monument and provide a trust fund for its perpetual care and maintenance. The latest plan adopted for the securing of this money is such that almost anyone can afford to subscribe, and each subscriber will receive a neatly engraved certificate, bearing his or her name as evidence of what they have done. The minimum subscription is $1.00 which may be handed to any member of the post or its ladies' auxiliary, or may be sent by mail to either John H. Hiser, Chairman, or O.R. Butler, Secretary, Memorial Cross Committee, Hyattsville, Md., and the certificate with your name inserted will be delivered or mailed to you.

Based on an estimated population of 40,000 the average cost to each resident of the count is 25 cents, or an average of $1.00 to every four residents. Do not allow it to be said that for lack of such an insignificant sum the people of this county evaded a sacred trust. Perhaps you who read this are the father, mother, sister, brother or other relative of one of those boys. Perhaps you were a friend or merely knew one or more of them. It is certain that every one of them stood in the position of relative, friend or acquaintance to some one in the county. Isn't their memory worth the small sum you are asked to give? And won't you feel better satisfied when you can look

at the completed cross and lay claim to the fact that your subscription helped to make possible the visible evidence of your regard for that member. So, before you put this paper down, send in your subscription, a dollar or as much more as you care in or can afford to give, and the Snyder-Farmer Post will do the rest. The work is to be done in three stages and as soon as sufficient money is on hand the first will be commenced and the other stages thereafter as rapidly as funds become available. Help us to dedicate this monument before next Independence Day, July 4, 1924.

And feel assured that every penny collected, less the legitimate and necessary expenses of preparing the certificates, the cost of which the committee is putting forth every possible effort to keep down, will be used for the purpose of building the cross and beautifying the grounds around it. No fees or [illegible] rewards or other money consideration will be paid any of the collectors for their work, and the records of the cross committee will be available at any time for examination by any subscriber or the proper public officials.

JOHN H. HISER, Chairman
Memorial Cross Committee

EXHIBIT 38

THE WASHINGTON POST (1923-1954)
JULY 13, 1925
PROQUEST HISTORICAL NEWSPAPER:
THE WASHINGTON POST (1877-1997)
pg. 14

LEGION DEDICATES BLADENSBURG WAR MEMORIAL CROSS:

Representative Gambrill Asks Former Soldiers to Outlaw War.

MRS. BRADLEY SYNDER UNVEILS MONUMENT

Memorial Is Work of John D. Early; Parade Precedes Ceremony.

That future generations passing through Bladensburg, Md., may be reminded of the 49 young men of Prince Georges county who made the supreme sacrifice In the world war, an unadorned cross 40 feet high at the fork of the Baltimore pike and the Annapolis memorial highway was dedicated yesterday afternoon. Ceremonies were held under the auspices of the Snyder-Farmer post. American Legion, of Bladensburg, which is composed of the survivors of the Fourth Maryland regiment.

That war be forever outlawed was the keynote appeal of Representative Stephen W. Gambrill, of the Fifth Maryland district who delivered the dedication address.

"Where we of the past generation have failed to prevent war, perhaps you young men of the American Legion or the mothers who gave their sons to the conflict may succeed," was the hope expressed by the speaker. "You men of Prince Georges county fought for the sacred right of all to live in peace and security and by the token of this cross, symbolic of Calvary, let us keep fresh the memory of our boys who died for a righteous cause."

Following the representative's address the cross was unveiled by Mrs. Bradley A. Snyder, of Bladensburg, assisted by John H. Hiser, commander of the local legion past. The American flag at, the base of the monument when removed revealed a bronze tablet 8 by / 3½ feet, on which are inscribed the names of the 49 soldiers. At the bottom of the tablet is the following quotation from President Woodrow Wilson: "The right is more precious than peace; we shall tight for the things we have always carried nearest our hearts: to such a task we dedicate our lives." On the four sides of the base of the monument are the words "Valor," "Endurance," "Courage," "Devotion." There is no other inscription on the memorial. Each arm of the cross measures 5 feet and the base is 12 feet square. It was constructed at a cost of $10,000 by John D. Early of this city, sculptor and architect. The material is a mixture of concrete and marble. At a distance it resembles sandstone, having about the same color, light brown with a reddish brown border. It races down the

Baltimore pike toward Washington and an American flag flies from a staff to one side.

Music for the ceremony was furnished by the Army Music School band. Mayor Irvin Owings of Hyattsville spoke, a history of Company F. 115th infantry was recited by the Rev. F. C. Reynolds, chaplain of that unit during the war. Other speakers included Mrs. George C. Seibold, president of the War Mothers; Col. James E. Abbott, commander, department of Maryland, American Legion, and Commander Hiser, of the Balenburg post. Invocation was given by the Rev. A. J. Carey, pastor of St. Jerome's Catholic church, Hyattsville, and the Rev. B. P. Robertson, pastor of the First Baptist church of Hyattsville pronounced the benediction.

The Vincent B. Costello post, Fife and Drum corps of Washington, and the apparatus of the Prince Georges county fire department, participated in the parade through Bladensburg before the dedication exercises.

EXHIBIT 40

THE WASHINGTON POST (1923-1954)
SEPTEMBER 8, 1939
PROQUEST HISTORICAL NEWSPAPERS:
THE WASHINGTON POST (1877-1997)
pg. 22

PLANNERS STUDY BYPASS AROUND PEACE CROSS:

D.C. and Maryland Group to Consider Routes Into City

Long-pending efforts to relieve traffic congestion at Bladensburg road the Peace Cross gained new impetus yesterday when District and Maryland highway planners agreed to consider three bypass routes into the city from Defense highway.

At a joint meeting of the Keystone Automobile Club advisory board, the Maryland State Roads Commission and the Prince Georges County Commissioners at the Mayflower Hotel it was proposed that one of the suggested alternate routes be secured before the heavy traffic of next summer. The alternate routes to be studied are:

> A half-mile unpaved connection between Cheverly and Landover, to the Defense highway at a point near Lanham, Md.: an unimproved road known as Finn's lane between Lanham and Riverdale, and an 8-mile stretch of the old W.B. A. Railroad righ-of-way from the Defense highway to the District line.

Although the old W.B. & A. route would provide a more direct highway into Washington from Lanham, it was pointed out the entire right-of-way must be paved and the half-mile connection between Cheverly and Landover was favored by the meeting. This road would avoid Peace Cross and bring traffic into Minnesota avenue northeast.

William Canning, traffic engineer of the Keystone Club, reported that Sunday and holiday motorists returning from Maryland shore and river resorts have been forced to wait as long as 30 minutes to pass through the bottleneck at Peace Cross. A survey showed, he said, that cars have been tied up from 2 to 6 miles along the Defense highway at peak traffic hours.

Capt. H. C. Whitehurst, director of District highways, and Maj. E. B. Whitman, chairman of the Maryland State roads commission, agreed to "cooperate 100 per cent" in planning a favorable District entrance for any alternate route selected.

EXHIBIT 41

PRINCE GEORGE'S COUNTY LAND RECORD
LIBER 2821-1
PAGES 1-3

IN THE
CIRCUIT COURT FOR
PRINCE GEORGE'S COUNTY
Liber 2821

ROBERT O. BONNELL, Chairman, and
EDGAR T. BENNETT, Constituting the
STATE ROADS COMMISSION OF MARYLAND,
acting for and on behalf of the
STATE OF MARYLAND

vs.

WILLIAM T. CASEY, JR. and
EDNA CASEY, his wife
CORA E. KEYWORTH, WILLIAM KEYWORTH, Jr.
TERESA M. GARNETT and HERMAN A.
GARNETT, her husband
LEE J. MAISEL, Jr. and RUTH MAISEL, HIS wife.
ELSIE CASEY GILLESPIE and
PATRICK A. GILLESPIE, her husband
FLORENCEY CASEY KSIAZEK and
WALTER KSIAZEK, Her husband

FRANCES CASEY ETTER and DONALD ETTER, her husband

ROBERT E. CASEY, JR. and ISABELLE CASEY, his wife

LOUIS A. KELLER, Sr.(Widower)

LOUIS A. KELLER, JR.

NORBERT KELLER

LAURENA KELLER

INQUISITION

INQUISITION made and taken at Bar in the Circuit Court Prince George's County in the matter of the Petition of Robert O. Bonnell, Chairman, Edgar T. Bennett, constituting the State Roads Commission of Maryland v. William T. Casey, Jr. and Edna Casey, his wife; Cora E. Keyworth and William Keyworth, Jr; Teresa M. Garnett and Herman A. Garnett, her husband; Lee J. Maisel, Jr. and Ruth Maisel, his-wife; Elsie Casey Gillespie and Patrick A. Gillespie, her husband; Florence Casey Zsiazek and Walter Ksiazek, her husband; Frances Casey Etter and Donald Etter, her husband; and Robert E. Casey, Jr. and Isabelle Casey, his wife; Louis A. Keller, Sr. (Widower,) Louis A. Keller, Jr.; Norbert Keller; Laurena Keller, for the condemnation of the property hereinafter mentioned, Witnesseth:

THAT we, the Jurors, whose names are hereunto sub-scribed and whose seals are hereunto affixed; being duly empanelled, sworn and charged to ascertain and determine whether or not it will be necessary for the Petitioners to acquire the land and

property described in the Petition, and to inquire into, ascertain and justly and impartially value the damages which the defendants will sustain by the taking, use and occupation of said property, consisting of 4,462 square feet, more or less, lying between the lines marked "Right Of Way Line" as shown on Plat No. 16848, which is being taken in fee simple, and more particularly described in said petition for the purposes set out therein.

TOGETHER with the buildings and improvements thereon and the rights alleys, ways, waters, roads, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

TOGETHER with any right, title and interest of the defendants in and to the existing bed of U. S. Route #1, lying between the lines marked "Right of Way Line" as shown on the said Plat No. 16848.

TOGETHER with any right, title and interest of the defendants in and to the existing bed of U. S. Route #50, lying between the lines marked "Right of Way Line" as shown on said Plat No. 16848.

HAVING viewed the premises, heard the evidence, and duly considered the same, do find and determine that:

IT is necessary for the Petitioners to acquire the said property and that the damages to be sustained by the defend-ants to this cause for their fee simple interest and estate in and to the parcel of land hereinbefore particularly described, and the property, rights and easements as set forth in the petition, are the sum of $4,462,00.

THAT upon the payment of the said sum to the defendants, the title to the property described in the

petition filed in this cause shall be held and become vested in the State of Maryland, to the use of the State Roads Commission, clear and discharged from any claims, liens or demands of the defendants.

WITNESS hereof, we the said Jurors, have hereunto set our hands and seals this 10th day of January 1957.

/s/ (SEAL)
/s/ (SEAL)
/s/ (SEAL)
/s/ (SEAL)
/s/ (SEAL)
/s/ (SEAL)
/s/ (SEAL)
/s/ (SEAL)
/s/ (SEAL)
/s/ (SEAL)
/s/ (SEAL)
/s/ (SEAL)

EXHIBIT 42

MARYLAND ROAD COMMISSION MINUTES

DATED OCTOBER 25, 1960

Copy: Mr. L. C. Moser (10) Secretary's File (6)
Mr. C. 3. Wyant, Jr. Contract File (6)
Board of Public Works
of Maryland P.T.-Binder
Mr. L. J. O'Donnell

MEMORANDUM OF ACTION OF STATE ROADS COMMISSION OF MARYLAND BY CHAIRMAN AND DIRECTOR JOHN B. FUNK

TUESDAY, OCTOBER 25, 1960

Chairman and Director Funk executed the following deeds dated October 25, 1960, previously approved as to form and legal sufficiency by the office of the Special Assistant Attorney General, by which the Commission conveys, subject to approval of the Board of Public Works of Maryland, unto the grantees named, parcels of land as indicated and AS more fully described in the respective deeds:

Grantee	Property Conveyed	In Accordance With
John C. Jenkins and Melvin F. Blanchard	0.25± acre of excess land in Baltimore County, being portions of former proper-	SRC action 6/9/60

Grantee	Property Conveyed	In Accordance With
	ties of Carl W. DeTar, R/W Item 44783, and Bertha L. Dean, R/W Item 43964, Contract B-635-7-420	
*Mayor and City Council of Baltimore, Maryland	16.185± acres of land in City of Baltimore, acquired from Arundel Corporation for relocation of Frankfurst Avenue, in exchange for conveyance by City of Baltimore to the Commission of 1.141± acres of land in adjacent area, being former bed of Frankfurst Avenue, now a part of Patapsco Tunnel Project approaches; Item D-1A, Contract AW-	Agreement with Mayor and City Council of Baltimore, 4/12/56

Grantee	Property Conveyed	In Accordance With
	627-5-015	
✓The Maryland National /Capital Pack and Planning Commission	0.33± acre of excess land at Peace Cross, Prince George's County, being portion of former William Casey :state, #25658, Contract P-695-2-320; subject to provisions outlined in the deed	Request of American Legion Post of Hyattsville, Md., concurred in by Md. N.C.P. & P.C.
Maryland State Board of Agriculture	2.22± acres of excess land in Queen Anne's County, being portion of former Charles W. Mullikin property, R/W Item 21478, Contract Q-168-26-220	SRC action 9/30/60
Virginia Holding Corporation, a Virginia corporation	0.39± acre of old abandoned road bed of former Downsville Turnpike,	Agreement with Norfolk & Western Ry.

Grantee	Property Conveyed	In Accordance With
	Washington County, being portion of the land conveyed to the Downsville and	

EXHIBIT 44

WALDO BURSIDE
Attorney at Law
4328 Farragut Street
Hyattsville, Maryland

Marh 1, 1961

Herbert W. Wells, Chairman
Maryland-National Capitol Park and
Planning Commission
4811 Riverdale Road
Riverdale, Maryland

Dear Mr. Wells:

I wish to thank you for the copies of the deed of the State Roads Commission and the Board of Public Works of Mary-land to the Park and Planning Commission for the plot of ground on which the Peace Cross in Bladensburg is located.

I enclose with this a certified copy of the Resolution of the Snyder-Farmer-Butler No. 3 of the American Legion, Department of Maryland, passed at its meeting of February 15, 1961, which transfers and assigns to your Commission all its rights, title and interest in the Cross based on its completion of the Cross construction many years ago and its interest and care in the intervening years. As you will see, the Post wishes to reserve its right to hold memorial and other ceremonies on the property, and requests that if the Cross and the surrounding parcel is ever removed from the jurisdiction of your Commission or its successors or assigns, that the Legion Post be notified sufficiently in advance to arrange for the

future care and maintenance of the Cross and the surrounding parcel.

I also enclose with this to you as a matter of interest, a Resolution of the Commissioners of the Town of Bladensburg, Maryland, dated February 25, 1922, requesting the Legion Post to keep the Cross and its surroundings, and assigning and granting to the Post whatever interest the Town may have had in the plot and the Cross. This Resolution was recorded in the Land Records of Prince George's County, Mary-land, on April 30, 1935, in Liber 421 at folio 381.

The members of the Post are very appreciative of the courtesy and cooperation of you and the officials of your Commission in bringing this matter to a conclusion. They think that the Cross is now a part of the history and tradition of the County, and think it could be under no better supervision, care and ownership than that of your Organization.

With kindest regards, and thanking you for your attention to this matter, I am

Yours very truly,

/s/ Waldo Burnside
Waldo Burnside
Chairman of Committee

WB/of

RESOLUTION

Upon motion duly made, seconded and carried, the following resolution was passed:-

RESOLVED, WHEREAS the State Roads Commission, acting for and on behalf of the State of Maryland and the Board of Public Works of Maryland, have conveyed to The Maryland-National Capital Park and Planning Commission, the tract of land in Bladensburg, Prince George's County, Maryland, occupied by the Peace Cross at the intersection of Alternate U.S. Route 1 and Route 50, in accordance with the right of way plat designated as State Roads Commission of Maryland Plat No. 24207, and

WHEREAS, the Snyder-Farmer-Butler Post No. 3 of the American Legion, Department of Maryland, has claimed an interest in the land occupied by the said Cross and adjoining the same as one parcel, the reason of its having assumed and performed the completion of the Cross in 1924 and having made arrangements for the care and preservation of the tract and the Cross and by reason of having, during intervening years, conducted memorial services upon the parcel on appropriate occasions, and

WHEREAS, the said Legion initiated and participated in a series of negotiations and events that resulted in the aforesaid conveyance of the said tract to the Park and Planning Commission, with the understanding that said Park and Planning Commission would assume the obligation of maintaining, repairing and otherwise caring for said Cross and the land upon which it is erected.

NOW, THEREFORE, BE IT RESOLVED that the Snyder-Farmer-Butler Post No. 3 of the American Legion, Department of Maryland, by this Resolution

does transfer and assign to The Maryland-National Capital Park and Planning Commission all its right, title and interest in and to the Peace Cross, also originally known as the Memorial Cross, and the tract upon which it is located and surrounded and bounded by the curbings and boundary lines of the highways of the State Roads Commission adjoining the said Cross parcel, with the understanding that said Park and Planning Commission will assume the obligation of maintaining, repairing and otherwise caring for said Cross and the land upon which it is, erected, reserving unto said Post the right and the privilege to hold memorial services to departed veterans and ether ceremonies upon the parcel on appropriate dates and occasions, and with the further request that if by force of circumstances and events the Cross and its surrounding parcel is removed from the jurisdiction of the said Park and Planning Commission, its successors and assigns, that the Legion Post be notified sufficiently in advance to make arrangements for the care and maintenance of the Cross and the surrounding parcel.

I HEREBY CERTIFY that the aforegoing Resolution was passed at a regularly called and conducted meeting of the Snyder-Farmer-Butler Post No. 3 of the American Legion, Department of Maryland at the Hyattsville Armory on the 15th day of February, 1961.

/s/
Commander

/s/
Adjutant

At a duly (tolled meeting of the Commissioners of the Town of Bladensburg, Maryland, the following resolution was passed;

RESOLUTION

"Whereas the Commissioners of the town of Bladensburg, Maryland, at a meeting called for the purpose hereinafter set forth, do realize that the creation of a memorial, in the form of a cross, has been advanced to a point where the Committee in charge of said cross is without funds to complete same;

And whereas, it is most desirable that the said Cross be completed at the earliest possible date in order that it might be a finished and fitting tribute to those of our boys who gave their lives in the World War;

And whereas, the Snyder-Farmer Post of the American Legion has consented to take over the task of completing said memorial, and it being the best judgment of these Commissioners that the American Legion can most quickly complete the memorial;

Now, therefore, be it resolved, that these Commissioners do hereby request and authorize the Snyder-Farmer Post of the American Legion to complete said Cross and its surroundings in such manner as the Post may deem advisable;

And, to this end, the town Commissioners of Bladensburg, Maryland do hereby assign and grant to the said Snyder-Farmer Post #3, American legion, that parcel of ground upon which the cross now stands and that part necessary to complete the park around said cross, to the perpetual care of the Snyder-Farmer Post #3 as long as it is in existence,

and should the said Post go out of existence the plot to revert to the Town of Bladensburg, together with the cross and its surroundings.

We do hereby certify that the above is a true copy of the Resolution past at the time cited.

/s/	/s/
	President
/s/	/s/
/s/	/s/
/s/	/s/

EXHIBIT 45

RENEWED PEACE CROSS DEDICATED

Veterans from A1

* * *

very, very hard on this cross," she said. "I've been here so many times since. It was quite run down. They fixed it up marvelous "

Speaking to the audience during the ceremony, Bill Hickey, American Legion Liaison, reminisced about World War I. He remembered when he was about 5 years old and saw "the steel helmeted boys" on parade before they set off for battle in Europe. "I was so proud," he said.

William H. Cleary, 86, of College Park, was the only World War I veteran on hand yesterday. "Every ceremony that you're able to go to is a shot of adrenalin," said Cleary, who is commander of the American Legion Walter Reed Barracks #244.

In 1917, when Cleary was only 16 years old, he enlisted in the National Guard. The next year he transferred to the army and fought in France.

"My husband worked very, very hard on this cross," she said. "I've been here so many times since. It was quite run down. They fixed it up marvelous."

Gertrude McClay

Members of the Andrews Air Force Base color guard performed during rededication ceremonies.

"That war was fought from hole to hold, from trench to trench," Cleary said. And the enemy trenches were not more than 150 feet away, he recalled. There were almost no automobiles in use, "everything was leg work. We walked and mules were used to pull the artillery," he said. At the end of the war the Army gave the mules away to French and German farmers, he said.

Like many World War I veterans, Cleary served again in World War II.

Since 1976, Cleary said he has been lobbying congressmen to pass a bill that would give WWI veter-

ans $150 monthly pensions and that would help "thousands of widows" of WWI veterans by giving them a $100 monthly pension." It's the widows who need this. I have met quite a few of them," he said.

Cleary has been attending ceremonies at the Peace Cross Memorial for many years. The cross "got raggedy and crumbled...but now it's really beautiful," he said.

Speakers at yesterday's ceremony stressed the need for peace.

Bladensburg Mayor William Seymour said the rededication ceremony was "an opportunity for all of us to rededicate ourselves to world peace."

The visit of Prince Charles and Princess Diana is a reminder that former enemies – the British and Americans — can become friends, and that perhaps the Soviet Union and America can also become friends, he said.

EXHIBIT 46

Merrill Deposition Services
21 Church Street, Suite 150,
Rockville, MD 20850

(800) 292-4789 FAX (866) 225-4066 E-MAIL:
ClientServices.DC@merrillcorp.com

ERRATA SHEET

03/26/2015

IN RE: American Humanist Assoc.
-v-
Maryland-National Capital Park and Planning Commission

DEPOSITION DATE: 03/12/2015

DEPONENT/AFFIANT: 30(b)(6) Phillip Holdcraft

REPORTER: Elizabeth Mingione

RETURN BY: 04/27/2015

JOB NO.: WDC-029955

PAGE	LINE	CORRECTION AND REASON
NUMBER		
3	17	"DEFENDANTS" SHOULD BE "DEFENDANT-INTERVENORS".
25	22	"WORLD WAR I"

PAGE NUMBER	LINE	CORRECTION AND REASON
		SHOULD BE "WORLD WAR II".
28	16	"COLMAN MANOR" SHOULD BE "COLMAR MANOR".
49	8	"No" should be "No, if it had been built in another shape in the first place." Correction is to clarify what I meant to say.
57	13	"31" should be "131"

PAGE NUMBER	LINE	CORRECTION AND REASON

April 21, 2015
(DATE)

/s/ Philip R. Holdcraft
(SIGNATURE)

30(b)(6) PHILLIP HOLDCRAFT

03/12/2015

ACKNOWLEDGEMENT OF DEPONENT

I, Phillip R. Holdcraft, do hereby acknowledge that I have read and examined the foregoing testimony, and the same is a true, correct, and complete transcription of the testimony given by me, and any corrections appear on the attached errata sheet signed by me.

April 21, 2015 — */s/ Philip R. Holdcraft*

(date) (Signature)

Job No.: WDC-029955

MERILL DEPOSITION SERVICES
21 Church Street, Suite 150,
Rockville, MD 20850
(800) 292-4789

EXHIBIT 47

THE AMERICAN LEGION

OFFICER'S GUIDE AND MANUAL OF CEREMONIES

If no trumpeter is present, the command "Two" is to be given immediately after the colors have been posted.

The commander shall call upon the chaplain to give the opening prayer.

Commander: "The chaplain will offer prayer."

Commander: "All members/guests in attendance shall remain standing with their cap removed and placed over the heart from the opening prayer, through the POW/MIA ceremony, and concluding with the Pledge of Allegiance."

In place of the following prayer, the chaplain may deliver one of the same length and general tenor.

Chaplain: "Almighty God, Father of all mankind and Judge over nations, we pray Thee to guide our work in this meeting and in all our days. Send Thy peace to our nation and to all nations. Hasten the fulfillment of Thy promise of peace that shall have no end.

"We pray for those who serve the people and guard the public welfare that by Thy blessing they may be enabled to discharge their duties honestly and well. We pray for our comrades that by Thy help they may observe the strictest Justice, keep alight the fires of Freedom, strive earnestly for the spirit of Democracy; and preserve untarnished our loyalty to our Country

and to Thee. Finally, O God of mercy, we ask Thy blessing and comfort for those comrades who are suffering mental and physical disability. Cheer them and bring them the blessings of health and happiness. Amen."

POW/MIA Empty Chair

This ceremony is a suggested outline that can be followed when an American Legion organization wants to call attention to Americans still unaccounted for from World War II, the Korean War, the Vietnam War, and other conflicts.

Resolution 288, adopted at the 67th National Convention, encourages all American Legion organizations to implement the Empty Chair Ceremony at all meetings. As a continual physical symbol of the POW/MIAs and the cause for which we stand, namely their return or full accounting.

Commander: "A POW/MIA Empty Chair is placed at all official meetings of The American Legion, as a physical symbol of the thousands of American POW/MIAs still unaccounted for from all wars and conflicts involving the United States of America. This is a reminder for all of us to spare no effort to secure the release of any American prisoners from captivity, the repatriation of the remains of those who died bravely in defense of liberty, and a full accounting of those missing. Let us rededicate ourselves for this vital endeavor!"

Commander: "Place the POW/MIA flag on the Empty Chair."

* * *

"The **tablecloth is white**, symbolic of the purity of their intentions to respond to their Country's call to arms.

"The **single rose** in the vase signifies the blood they may have shed in sacrifice to ensure the freedom of our beloved United States of America. This rose also reminds us of the family and friends of our missing comrades who keep faith, while awaiting their return.

"The **red ribbon** on the vase represents the red ribbons worn 'on the lapels of the thousands who demand, with unyielding determination, a proper account of our comrades who are not among us.

"A **slice of lemon** on the plate reminds us of their bitter fate.

"The **salt** sprinkled on the plate reminds us of the countless fallen tears of families as they wait.

"The **glass** is inverted, they cannot toast with us at this time.

"The **chair** is empty. They are NOT here.

"The **candle** is reminiscent of the light of hope, which lives in our hearts to illuminate their way home, away from their captors, to open arms of a grateful nation.

"The **American flag** reminds us that many of them may never return—and have paid the supreme sacrifice to insure our freedom.

"Let us pray to the Supreme Commander that all of our comrades will soon be back within our ranks.

"Let us remember—and never forget their sacrifice.

"May God forever watch over them and protect them and their families."

Closing Ceremony

American Legion meetings shall be closed in the following manner:

Commander: "Is there any further business to come before the meeting? If not, the chaplain will lead us in memorial service."

The commander shall give three raps of the gavel, and the membership shall arise, uncover, and stand in silence.

Chaplain: "Our Heavenly Father, we deem this a fitting time to pay our /respects to our departed comrades. As we stand with bowed heads in reverence to them, let us remember the good deeds they accomplished. Let us revere them, as good soldiers who fought the good fight in a just cause, let us silently pray for peace, the peace that passes all understanding. And let us in mind and soul consecrate our hearts and lives to the real America, the land of the free and the home of the brave, the America worth fighting for. As we stand in silence to our departed comrades, may we sincerely say, 'May their souls rest in peace.' Let us also remember the POWs and the MIAs still unaccounted for from the Wars and Conflicts. Amen."

Commander: Cover.

The addition of "Taps" sounded on muffled trumpet will add greatly to the solemnity of the ritual.

The first stanza of "America" ("My Country 'Tis of Thee"), or another patriotic selection may be sung by the audience.

"Till we meet again let us remember our obligation to our country can be fulfilled only by the faithful performance of all duties of citizenship. Let service to

the community, state and nation be ever a main objective of The American Legion and its members. Let us be ever watchful of the honor of our country, our organization and ourselves, that nothing shall swerve us from the path of Justice, Freedom and Democracy.

The color bearers will retire the flag of our country."

As the color bearers retrieve the colors, the commander shall give the command:

Commander: "Hand salute" (colors are retired).

As the color bearers reach the rear of the meeting hall, the command "Two" is given by the commander.

Commander: "I now declare this meeting of _____Post No._____ The American Legion. Department of .....adjourned."

The Commander gives one rap of the gavel.

INITIATION
Regular Form

The initiation of candidates for membership in The American Legion is an important function of each post. The new members need to be shown, officially and formally, that they're indeed a part of the organization. They deserve the courtesy of being introduced to the organization which has accepted their membership application and dues payment. This is the purpose of the initiation ceremony.

Whether performed by the officers of the post or an established ritual team, the initiation ceremony should be conducted at least once a year. Each officer should learn their respective portion of the ceremony in order to be able to deliver it without reference to

the printed text. Each initiation officer should wear the regulation American Legion cap and badge of office. (See "Badges" in index.)

The Sergeant-at-Arms is responsible for preparation of the hall or meeting room for the initiation, and should see to it the following items, which are presented to the candidates during the ceremony, are on hand in sufficient quantity: American flags (initiation size), American Legion lapel pins, and flag etiquette booklets. All of those items are available through National Emblem Sales (see your current catalog). In addition, the sergeant-at-arms, depending on the format your post wishes to use for this ceremony, will set up th6 following items: Poppies (real or imitation) in a neat arrangement in a vase at either the

* * *

Veterans Day

Public Hall or Grove

The post files in and is seated in reserved space or seats. The commander, chaplain any other officers or members with speaking parts take their places on the platform. The active parts are given by four officers or other members designated by the commander.

Commander: "The chaplain will offer prayer."

The following prayer is optional. In its place the chaplain may deliver one of owt of the same length and tenor. If any member shall object to prayer on conscientious grounds, then thirty seconds' silence in memory of the dead shall be observed, provide(the same is so ordered by a majority of the members present.

Chaplain: "O God of Hosts, we bow our heads in thankfulness for the victories Thou hast granted us—to us and to those peoples who have united with us to stamp out the evils of aggression, intolerance and greed.

"We beseech Thee to bring the blessings of understanding to the families and friends, in this and other lands, of those who have given their lives that men may be free. Grant, O God, that those closest to the fallen may mingle the pain of their losses with the ennobling light of sacrifice for civilization—sacrifice for a better world for this and other generations yet unborn.

"Grant us too, O God, the courage to so live with the family of nations around the world that the end of strife will be the beginning of enduring peace. Grant us patience in planning with our fellow men and women a world in which nations may resolve their differences by peaceful means.

"Touch Thou the souls of people in every land with the enduring light of wisdom so they may foul" a brotherhood which will strive to further the arts of peace under laws and ethics blessed by Thy love.

"Grant us now Thy continued blessing upon unity and strength, that makes victories possible in war, that we may win greater victories of peace.

"Amen."

Music or singing:

Commander: "On this day, Veterans Day, we are commemorating the service of veterans of all wars.

"We remember how men and women set aside their civilian pursuits to serve their nation's cause, defend-

ing the freedom of mankind and preserving our precious American heritage.

EXHIBIT 48

THE WASHINGTON POST (1923-1954)
MAY 31, 1927
PG.2

PRINCES GEORGES DEAD HONORED BY CITIZENS

Parade Held at Hyattsville and Exercises at Cross in Bladensburg.

HOLL OF HONOR IS READ

Princes Georges county celebrated Memorial Day yesterday with a parade from the- National Guard Armory at Hyattsville along the Washington-Baltimore boulevard to the Prince Georges County World War Memorial Cross at Bladensburg, where services were held under the auspices of the Snyder-Farmer Post. No. 3, American Legion, of Hyattsville.

Clifford L. Johnson, president of the Greater Bladensburg District Citizens Association, was the principal speaker. Others who spoke included Orion R. Butler, commander of the Snyder-Farmer Post; Mrs. Bradley Snyder, mother of one of the heroes for whom the post is named, and C. L. Aiello, past commander of the post.

V. Allen Ratcliffe, post adjutant, read the roll of honor which contains 52 names. The Drum and

Bugle Corps of the Victory Post, No. 4, American Legion of Washington, played patriotic music. Taps was sounded by two members of this corps.

Post Commander Butler led the parade to the World War Memorial Cross. Chief of Police Robert C. Gallagher represented the Hyattsville Police Department. Others who participated in the parade were the Snyder-Farmer Post and Auxiliary, the fire departments from Hyattsville; Bladensburg and surrounding communities; Company F of the First Infantry. Maryland National Guard of Hyattsville, and veterans of the Civil War and the Spanish-American War.

In other communities of Prince Georges county Memorial Day was celebrated with exercises, followed by sports.

EXHIBIT 49

WASHINGTON POST (1923-1954)
DATED MAY 31, 1929
PG. 3

WAR DEAD HONORED BY PRINCE GEORGES

Principal Exercises Held at Bladensburg Memorial Peace Cross.

SCHOOLS IN BRIEF SESSION

Prince Georges County honored its hero dead yesterday with memorial exercises at the various cemeteries and exercises at the various cemeteries and schools of the county.

The principal exercises were held at the Bladensburg war memorial peace cross under the auspices of the Snyder-Farmer Post, American Legion, Prof. Charles S. Richardson, of the University of Maryland, was principal speaker. Remarks were made by Harold O. Smith, of Rockville, commander of the department of Maryland; Miss Marion B. Snyder, president of the Snyder-Farmer Post Auxiliary, and Dr. Robert W. McCullough, commander of Snyder-Farmer Post.

A wreath was placed on the monument by Mrs. Bradley Snyder, mother of one of the soldiers who

gave their lives in the World War, and for whom the post is named. Prayers were offered by the Rev. Morris W. Derr, rector of the St. Luke's Protestant Episcopal Parish. Musical numbers were furnished by the Washington Boys' Independent Band.

The ceremonies at the monument were preceded by a parade which started at the National Guard Armory in Hyattsville. A detail of mounted Maryland State police headed the parade, followed by the Boys' Independent Band.

Then came the mayors and members of the town councils of Hyattsville and Riverdale and the town commissioners of Bladensburg. Company F, First Infantry, Maryland National Guard, of Hyattsville, members of the Snyder-Farmer Post and auxiliary, volunteer fire departments of the various towns near Hyattsville, Boy Scouts, veterans of other wars of the United States, and other groups completed the personnel of the parade.

C. W. Walzl, Vice commander of the Snyder-Farmer Post, was ,chairman of the committee in charge of the services. He was assisted by Dr. McCullough. Caesar L. Aiello and Orion W. Butler.

The public schools of the county held patriotic exercises in the morning and then dismissed classes. Heretofore it has been the custom to give a holiday on Decoration Day but a law was passed at the last session of the Legislature requiring that patriotic exercises be held in the schools of Maryland.

The county offices were closed and most of the business houses of the county followed suit. Banks were closed.

EXHIBIT 50

THE WASHINGTON POST (1923-1954)
MAY 30, 1940
pg. 4

Peace Cross to Be Scene of Rites Today

The Memorial Day services of Snyder-Farmer American Legion Post, of Hyattsville, will take place at the Peace Cross in Bladensburg today at 9:30 a.m.

Services will consist of the non-sectarian memorial services from both the American Legion and Forty and Eight rituals conducted by the senior officers of the organizations. In this ritual the roll call of Prince Georges veterans who died in the World War and since will be read. A firing squad will fire a volley and taps will conclude the cermonies.

The Peace Cross grounds have been made to resemble an American cemetery in France with wooden crosses and poppies. The crosses are unmarked and persons may choose one upon which to place decorations.

No Rites Today in Flanders' Fields

Copyright by New York Tribune, Inc.

Paris, May 29 – For the first time since the end of the World War there will be no pilgrimages to the American war cemeteries in France on Memorial Day. A religious service will be celebrated tomorrow at the Holy Trinity Cathedral in Paris and a wreath will be laid by Ambassador Bullitt in the Memorial Chapel at Suresnes.

EXHIBIT 51

PRINCE GEORGE'S POST
THURSDAY, JULY 24, 1975
P. 6

New Look for Bladensburg

"One of our oldest neighborhoods will become one of our most picaresque – a true showplace for Prince George's County – as we begin giving the region the attention it deserves," vowed Councilman Parris N. Glendening on taking the reins of the Peace Cross Coordinating Committee, a group of eight dedicated to restoring the Blandensburg-Colmar Manor area.

The Second District councilman, along with State Del. Francis J. Santangelo, Sr., is chairing the eight-member committee, newly-named by the county executive, in hopes of corralling enough state and county money to refurbish historical landmarks and create new recreational opportunities.

"The Blandensburg-Colmar region is a major entrance into Prince George's County for those coming from the District of Columbia; and first impressions are most important, whether on an individual basis or the impression a community first makes on a visitor or a potential employer," Glendening maintained. "The Bladensburg project will be a yardstick by which other communities will measure their success in urban renewal undertakings."

The Peace Cross Coordinating Committee is mapping out six specific projects for the area, including a general upgrading of roads and sidewalks, construc-

tion of a major park on the old Kenilworth landfill site and refurbishing of the Bladensburg Peace Cross, a historic marker commemorating the county's war dead.

At the same time, the committee is seeking $150,000 from the state for restoration of the Indian Queen Tavern in Bladensburg, a popular stopping place during Revolutionary and colonial days and reputedly visited on numerous occasions by George Washington. The committee, along with the Prince George's Jaycees, is hoping to open the tavern March 25, 1976, on the 200th birthday of Prince George's County.

According to Glendenning, members of the Peace Cross Coordinating Committee already have been meeting with commissioners of the Maryland National Capital Park and Planning Commission and the Washington Suburban Sanitary Commission (WSSC), planning a general upgrading of the county's marina. The Second District councilman and his committee members hope the underused marina can be transformed into an aquatic garden or another recreational site. WSSC already has committed some $600,000 to the marina project, most of it coming from the sanitary commission's bonding dolla...

Named to the coordinating committee with Glendening and Santangelo were Bladensburg Mayor Susanna Cristofane, Rosemary Petonic of Colmar Manor, W. Pierce Wilson of Brentwood, active in recreation programs for many years. WSSC Commissioner Johanna Norris, John Styer of Lanham and Robert Lucian of the County Bicentennial Committee.

The Park and Planning Commission is considering buying three used car lots in the Colmar Manor area for development of a neighborhood park. The funds would come from the commission's Advanced Land Acquisition Fund.

"Although new projects certainly are gratifying and

* * *

EXHIBIT 52

50th Anniversary
of the
Dedication of
MEMORIAL CROSS
BLADENSBURG, MARYLAND

1925 **1975**

Saturday, July 12, 1975 – 7:00 P.M.

1414

50th Anniversary

of the

Dedication of

MEMORIAL CROSS

BLADENSBURG, MARYLAND

SATURDAY, JULY 12, 1975 – 7:00 P.M.

Advancement of Colors

Honor Guard "C" Company, Maryland National Guard

Invocation

The Reverend August W. Peters, Jr., Rector, St. Luke's Episcopal Church, Blandensburg, Maryland

Master of Ceremony

John Henry Hiser, Past Commander Post No. 3

Commander at the original dedication

National Anthem – America

Southern Maryland District Glee Club

Members of the American Legion Auxillary

Directed by Mrs. Cecelia Ziotowski

Welcoming Address – Introduction of Honored Guests

Mayor Susanna Cristofane, Bladensburg, Maryland

Introduction of Guest Speaker

Master of Ceremony

Guest Speaker

Chaplain (Colonel) James J. Murphy, USA

Director of Plans, Programs and Policies

Office of Chief of Chaplains, U.S. Army

White Crosses

Louise Dowling, authoress

Placement of Wreath

My Buddy

Southern Maryland District Glee Club

Benediction

Chaplain Murphy, USA

Taps

Navy Bugler at Cross

Mike Allen, Northwestern High School, Background

Guest Speaker

Chaplain (Colonel) James J. Murphy is Director of Plans, Programs and Policies, Office Chief of Chaplains, Department of the Army, The Pentagon, Washington, D.C.

He served with the 101st Airborn Division and the Green Berets in Vietnam.

He holds the Soldier's Medal and the Bronze Star for Valor.

He is vitally interested in the role of the National Guard and Reserve Chaplains in the military community.

This program is co-sponsored by

W.B. Maske Sheet Metal Works, Inc.

and

Ernest Maier, Inc.

Bladensburg, MD

1417

EXHIBIT 53

A BRIEF HISTORY OF A 1742 TOWN

Port O' Bladensburg

By

SISTER CATHERINE WRIGHT

1418
PRINTED BY FRIENDS OF SISTER CATHERINE
Craftsman Press
Creative Publishing
Marktone
Murray Photo
Parson's Paper Company
Ris Paper
Specialties Bindery
Sun Crown
Taylor Printing

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Project of the Town of Bladensburg
Bicentennial Committee

THE MEMORIAL CROSS

The Snyder – Former Post of the American Legion of Hyattsville erected a 40 foot cross of cement and marble to recall the 49 men of the County who died in World War I. Located at the intersection of Route One and Annapolis Road, the cross was dedicated on July 13, 1925 by the American Legion. Representative Stephen Gambril of the Fifth Maryland District gave the keynote address.

A bronze tablet at the base of the monument containst the unforgettable words of Woodrow Wilson:

> The night is more precious than the peace; we shall fight for the things we have always carried nearest our hearts; to such a task we dedicate ourselves.

At the base of the monument are the words, "Valor," "Endurance," "Courage," "Devotion." At its heart, the Cross bears a great gold star.

John D. Early, sculptor and architect constructed the monument for $10,000 on the very spot where Casey's Blacksmith shop used to stand.2

EXHIBIT 54

PRINCE GEORGES JOURNAL
DATED NOVEMBER 9, 1984
PGS. A1 AND A8

BY:
ARTHUR JOHNSON
STAFF WRITER

VETERAN FIGHTS TO SAVE MEMORIAL

"When a man's life is lost, it's lost forever.
A memorial is the last you can do for a man
who's lost his life defending his country."

On one side of the base of the huge Peace Cross Memorial, at Annapolis and Blandensburg roads, the word "valor" is emblazoned above the names of 49 Prince George's County men who died in World War II.

Just above the word "courage" on another face of the 59-year-old landmark there is a crack that someone apparently has tried to patch. And above the word "devotion," facing east, there is another crack in the memorial's thick cement stem.

Beneath the arms of the cross where children and adults are most apt to pause to admire the imposing 40-foot, 16-ton monument, small chunks of the structure have fallen away. A few dabs of cement give mute evidence that someone still cares about the

slowly deteriorating memorial and the veterans it honors.

That someone has to be a lot like Legionnaire William A. Hickey Jr., a World War II Navy veteran to whom this and all other monuments dedicated to veterans are of the utmost importance.

"When a man's life is lost, it's lost forever. A memo-rial is the least you can do for a man who's lost his life defending his country. The least you can do is revere them" Hickey of 4804 66th Place, Bladensburg, said yesterday afternoon as he stood at the base of the memorial.

Then he collected an empty beer bottle and some trash below the "endurance" side of the cross. This is the only side of the base that shows few of the ravages of time and neglect.

Since noting the cross crumbling almost two years ago, Hickey, 70, has written letters and brought the condition of the memorial to the attention of the Veterans of Foreign Wars Freestate Post 8950, which has designated its repair as a priority.

The memorial began as the project of two Prince George's women, who in 1919 started a fund-raising drive to construct the cross to honor county men who died in World War I.

Ten mothers of slain soldiers made up the committee that raised the $1,523.16 cost of the memorial. The Memorial Cross, sometimes called the Peace Cross, was finally dedicated on July 12, 1925.

An active member of both VFW and the American Legion, Hickey retired from Potomac Electric Power Co. in 1978.

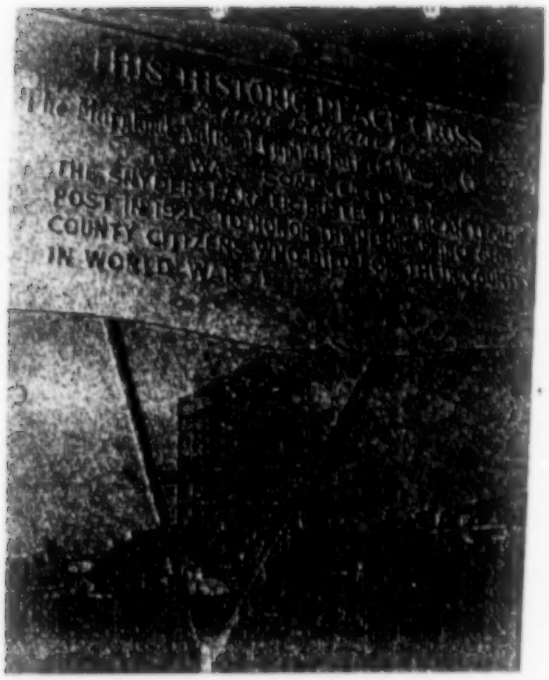
"The memorial should be repaired as an act of reverence and respect for those who gave their lives. I don't think it would cost that much. Though I don't know much about construction work," Hickey said.

Bladensburg Tower demonstrator Eric Morsica said no one organization, including the county government, is responsible for the memorial's upkeep.

Hickey said that he hopes that the attention he is bringing to the problem will make people say, "Yes, that's a good idea."

EXHIBIT 55

UNDATED PHOTOGRAPH
PEACE CROSS BEING RENOVATED



Peace Cross Being Renovated

Scaffolding surrounds that well-known Washington area landmark—the Peace Cross at Bladensburg, Md.—as workmen repair the ravages of time. The cross is getting a new coat of white and pink stone to rejuvenate the crumbling exterior.—Star Staff Photo

EXHIBIT 56

GAZETTE COMMUNITY NEWS
THURSDAY, JULY 5, 2001
PC. A6

BY
JEFFREY LYLES
STAFF WRITER

COMMUNITY NEWS

PEACE CROSS USED TO CELEBRATE VETERANS, TOWN

The Bladensburg Promotional Committee was in a quandary: They wanted to find a way to further distinguish their town while honoring men and women for the armed forces who fought for America's freedom on Independence Day. So they looked to the Peace Cross, the town's most prominent symbol.

"Peace Cross was built in memory of the World War I veterans, but now we believe it stands for the hope of peace and the sacrifices made from all wars," Bladensburg Councilwoman Marion Hoffman (Ward 1) said. "In this area, [the Cross] has always denoted Bladensburg and today it stands as the connection between the Port Tons of Bladensburg, Colmar Manor and Cottage City."

Wednesday marked the 25th anniversary of the Promotional Committee's Independence Day ceremonies at Peace Cross.

"When we have the various ceremonies at Peace Cross and people driving by look over, I feel really proud to see them observing us honoring the veterans," said Hoffman, the first town promotional committee chairperson. "When I was voted onto the council, I continued working with the committee as the council liaison."

Dan Long served as chairman after Hoffman, Long was followed by Bill Hickey who has been chairman for the last 12 years.

Hoffman said Peace Cross is one of the best-known landmarks of the area. "We've been hosting these ceremonies for 25 years and whether it be politicians or citizens, they know that some type of ceremony honoring our veterans will be taking place," she said.

Since the ceremony began, Peach Cross has been the site of speeches by major state and county government officials, including Gov. Parris No. Glendening, County Executive, Wayne K. Curry, Del Rushern Baker III (D-Dist. 22b) of Cheverly and Bladensburg Mayor David Harrington.

Sen. Nathaniel Exum, Sen. Albert Wynn, and Harrington attended Wednesday's ceremony.

Since its inception, a staple of the ceremony has been the wreath laying tradition. This year government officials, members Veterans of Foreign Wars (VFW) and the American Legion and local citizens presented 27 wreaths to honor veterans.

Students were also included. Bladensburg Elementary School students Bryan Fleming and Michelle Estes were joined by Rogers Heights Elementary School students Claire Flintsoff and Dylan Kristy in

reading essays describing "What the Flag Means to Me."

The next ceremony will be in December as the Committee honors veterans from Pearl Harbor.

1427

EXHIBIT 57

"PEACE CROSS"

AN EVALUATION OF CONDITION AND RECOMMENDATIONS FOR RESTORATION

Prepared for Maryland Capital Park and Planning Commission

By

Daniel C. Filippelli
Historic Preservation Consultant
April 18, 2010

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2. BACKGROUND INFORMATION ABOUT THE PEACE CROSS MONUMENT
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6. REQUEST FOR PROPOSALS:
   A. GENERAL REQUIREMENTS
   B. SPECIFIC REQUIREMENTS
10. TEXT-EDITED SCALE DRAWING OF MONUMENT

CD OF REPORT AND CD OF TEXT-EDITED PHOTOS INSIDE JACKET COVER OF REPORT

I. PURPOSE OF THIS REPORT

The Peace Cross monument exhibits cracking and delamination of its mosaic surfaces thereby causing concerns about: public safety, stability of the monument, increasing restoration expense, disrespect for the veterans of World War I to whom this monument was erected, and, a public eyesore seen by hundreds of passing motorists each day.

The Maryland National Park and Planning Commission (MNCPPC) therefore directed that an evaluation of the condition of the monument be performed to provide a basis on which to issue a request for proposals (RFP) to stabilize/preserve/restore the monument.

This evaluation was performed by Daniel C. Filippelli, an historic preservation consultant during the months of March/April, 2010.

II. BACKGROUND INFORMATION ABOUT THE PEACE CROSS MONUMENT

The Peace Cross monument was constructed in 1925 and dedicated on July 12, 1925. It is the work of John J. Earley who is considered to be a pioneer in "exposed aggregate" concrete construction in the first half of the 20th century. Earley's stature is documented in various papers and presentations to the American Concrete Institute and generally summarized in a biography by Frederick W. Cron (The Man Who Made Concrete Beautiful, Centennial Publications, Ft. Collins, Colorado). Deeper insights into Earley's methods and reasoning are contained in 13 presentations made by Earley to the American Concrete Institute as a member, committee chairman, and, as President of this institute.

The monument project was initiated by the Snyder-Farmer-Butler Post #3 of the American Legion in memory of the Maryland veterans who lost their lives in World War I.

The construction drawings of this monument were apparently lost in a fire at the Earley Studio in Rosslyn, Virginia. There is little archival information about this monument other than news accounts of the dedication, letters concerning the relation of the Maryland State Roads Commission and transfer of responsibility to the local governments and the Snyder-Farmer-Butler Post # 3, assorted invoices for work planned and/or effected in 1961, and, again in 1985 and 1986.

The monument apparently exhibited repair needs in 1961. It is not known when, prior to this time, that the repair needs became obvious. A proposal by Moeller Air Compressor Service, Inc. to MNCPPC

dated March 14, 1961 proposes "guniting" the monument and references an Evening Star news account of March 13, 1961 of the "difficulty you are having with contractors and repair work on the Peace Cross". This suggests that the repair needs were present for some time and that these needs were not well understood. Moeller submitted an invoice for "dimensions and tests" on May 17, 1961 noting that the exact dimensions varied

* * *

EXHIBIT 58

THE WASHINGTON POST (1923-1954)
JUL 25, 1931;
PROQUEST HISTORICAL NEWSPAPERS:
THE WASHINGTON POST (1877-1995)
pg. 4

Head of Church Army Will Be Preacher Here

The special preacher at the Peace Cross services for the first three Sundays in August will be Capt. Frank B. Mountford, head of the Church Army in the United States and one of the outstanding lay evangelists in this country.

Capt. Mountford has several times assisted in conducting conferences on evangelism at the College of Preachers of Washington Cathedral and also has served as leader of special missions in this city. He has had experience both in England and America in wayside evangelism and in stimulating the congregations to join heartily in the hymns and other portions of the service.

Chevy Chase Announces Preachers for August

During August the Rev. Edward O. Clark, pastor of Chevy Chase Baptist Church will be away on his vacation, a portion of which will be spent attending the general conference at Northfield, Mass. During his absence the pulpit will be supplied by the following ministers: August 2, the Rev. B. M. Osgood, of Rockville, Md.; August 9, the Rev. F. F. Leonard,

Baltimore, Md.; August 16, the Rev. Oliver C. Horsman, Erie, Pa.; August 23 and 30, the Rev. C. Marshall Muir, Van Wert, Ohio.

Boys Training School Will Hear Capt. Stacy

The religious work department of the Y. M. C. A. will have charge of the meeting at the National Training School for Boys, on Bladensburg road, tomorrow afternoon at 3 o'clock.

Capt. J.K. Stacy, who has been in the Indian field for twenty years, will speak to the boys on "The Influence of the Gospel Among the Indians." R. L. Gilby, of the Y. M. C. A., will lead the singing. Louie B. Nichols, associate religious work director, will preside.

'Scared Preacher' Theme At Georgetown Church

The Rev. Harold E, Beatty, minister of historic old Georgetown Lutheran Church, has a unique theme for his night sermon tomorrow. He has entitled it "A Scared Preacher." This is a Bible character, of course, for Mr. Beatty goes to the Bible for all his themes. But whether it was a prophet or one of the apostles will not be told until the preacher gives out his text.

Church of the Brethren Board to Meet Here

The religious education board of the Church of the Brethren for the District will hold a two-day meeting at the Washington City Church of the Brethren

Monday and Tuesday. On the first evening the program will be devoted to the work of the young people, and on Tuesday a general program will be carried out.

The Rev. Minor Miller, director of the religious education of this denomination in Virginia, will be one of the chief speakers.

EXHIBIT 59

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

Case No. 8:14-cv-00550-DKC

AMERICAN HUMANIST ASSOCIATION, FRED EDWORDS, BISHOP MCNEILL, AND STEVEN LOWE,

Plaintiffs,

vs.

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION,

Defendant.

DEPOSITION OF
G. KURT PIEHLER
MARCH 10, 2015

* * *

A These headstones are individual grave markers for individual graves.

Q With no connotation of sacrifice?

A As I said, does a symbol automatically mean sacrifice?

Q Okay. We'll move to World War I. So I'll be asking you some questions about the use of cross headstones or grave markers in World War I. Were markers in the form of a cross commonly used after

World War I battles to indicate the battlefield graves of fallen British servicemen?

A Yes, to my understanding.

Q French servicemen?

A That I'm not sure on in terms of the temporary grave markers.

Q Right. Okay. German servicemen?

A Again, I've not actually looked at their temporary grave markers.

Q American servicemen.

A Yes, that was he -- that was commonly used.

Q And at least -- sorry. And these temporary -- the temporary British cemeteries preceded the entrance of America into the war, right?

A Yes.

Q By years?

A Yes.

Q Who made the decision to mark temporary graves with crosses?

A You know, as I said, I'm not actually sure of that question, and if I had more time and money, I would do more research. I would also do more research on photographic evidence to discover their uniformity.

Q Can you clarify what you mean by –

A Well, because I think it's highly unlikely that the British army would have marked Hindu graves or Muslim graves or Chinese laborers' graves with crosses. I also -- I know better the World War II case where the government was very succinct in even creating a non-denominational grave marker for

temporary burials to make sure that only proper memorials, even temporary memorials were put on graves.

Q Do you have a sense of whether -- strike that. Do you know what proportion of British service members in France were non-Europeans?

A I would have to look up the number exactly, but it was substantial, and I know in my -- in my report in doing some research I think something like 54,000 war dead were from the Empire.

Q The Empire meaning outside of the United Kingdom proper?

A Yes.

Q Total fatalities from -- from the United Kingdom were, and its Empire, were approximately 1 million?

A Approximately.

Q Were cross-shaped headstones used by the United States government to mark the permanent graves of American servicemen in World War I cemeteries overseas?

A Yes, ultimately there was a choice between either Stars of David or free-standing crosses.

Q Would you say that the cross became the principal grave marker in American cemeteries overseas?

A For World War I and for World War II, but not for the American-Mexican war.

Q Okay. But for the great wars, World War I and World War II.

A Yes.

Q Were cross-shaped headstones used by the French government to mark the permanent graves of French servicemen in World War I cemeteries?

A Yes, along with other markers.

Q The German government?

A I don't know the World War I case. I only know the World War II case, although I should – I should say there – George Mosse says, in fact, they use a sort of very interesting structure, which I can't remember the name of it, to really typify the dead. And I have written about that. You know, but I would have to refresh my –

Q Is it like a mausoleum type structure?

A Yes.

Q Okay.

A But it's been a while since I've read that, worked on that.

Q Sure.

A And written a while since I read Mosse.

Q Is it correct to state that the British government erected a cross of sacrifice in more than 1,000 British cemeteries in France and Belgium after World War I?

A I would have to look if that's the exact number, but they did – there were a number of cemeteries, so without – I can't specifically say off of memory that many, but it does sound in the ballpark given the higher – much higher loss of life.

Q Okay. So a thousand is in the ballpark.

A Yes. That wouldn't surprise me.

MR. DOTY: British.

MR. BERRY: Yes.

Q Professor, what would you say the cross symbolized in the context of fallen World War I soldiers?

A Since they mark individual graves, I think particularly for the fallen – the loved ones that, you know, as a grave marker it's a symbol of a grave. For individuals, for some it was a symbol of their faith, of Christianity.

Q Would you agree that the cross stood for – would you agree that the cross stood for suffering and sacrifice?

A For who? Again, it's the question for who and the intention of who. For those who developed the designs and made the decision in terms of the American Battle Monu-ments Commission or for the individual families?

Q We'll start with the Commission, with the ABMC.

A Well, the Commission in a sense overruled the army. The Quartermaster Corps really wanted not to have crosses or free-standing Stars of David. They wanted uniformed slabs. I think their selection of the cross was they saw it very much as a Christian symbol. Now, they did have to -- they did make -- they did make an exception for Jewish soldiers, but it was an either/or selection, either a Star of David or a cross. And I think they saw it very much as a Christian symbol.

Q What about individual families?

A Individual families, it's more complex. If you were not Jewish or if you were not Christian, really the only alternative you had was repatronization to the homeland. There was not a third option. We

don't know -- you know, without going through all the burial records, the thousands of burial records, one can only speculate on that. So I think for some it was clearly a symbol of Christianity and for others it no doubt was the -- there was only one of two alternatives.

Q Let's take a look at some images from the first world war. I'm marking this as exhibit -- Piehler Exhibit 4.

(Exhibit 4 was marked for identification.)

Q Do you recognize it?

A Yes, this is the cover of my hard copy edition of my book, Remembering War the American Way.

Q Okay, great.

Did you choose the image for your book's cover?

A Actually, no. I -- they -- the press itself, the Smithsonian Institution of Press, picked one of the images I used in the book. I obviously consented to its use, but I did not actually pick this image.

Q Why do you think your publisher chose that image?

A It was -- what I found interesting is how we styled -- how they stylized the image because I believe in the book itself it was a black and white image. But, in fact, it's an American cemetery in Europe, and it's one of the central themes of my book was the use of cemeteries in war memo-rialization.

Q What do you believe the crosses and stars in this picture symbolize?

A These are of the war dead. These symbolize -- these are gravestones for American war dead. And the picture shows mostly a row of crosses but very

prominently in the first set of images is the Star of David.

Q I'm marking as Piehler Exhibit 5 this document. Excuse me. It's a collection of images, all as one exhibit, Piehler Exhibit 5.

(Exhibit 5 was marked for identification.)

Q If you can review those.

MR. DOTY: These are four images?

MR. BERRY: Yes.

Q Let me make sure you have the same count. Do you have four?

A Yes.

Q Great. Okay.

Have you had a chance to review all four?

A Yes.

Q Great.

Professor, do you believe that seeing pictures such as these prompted Americans to think about the tragedy of war?

A I would have to see in what context did they see the images.

* * *

A * * * I would have to look at all of the events because there were a number of events, but, yes, there were some that -- some centered, I remember, on Memorial Day, but there others, I think there was one, a 4th of July celebration.

Q Can you think of any other types of events that you're --

A There were also some protests there, political rallies.

Q Are protests what you're referring to there as commemorative also likely designed to promote economic development?

A Not the protests, but, yes, the –

Q Then there's another line, "Religious services have been held at the site as evidenced by a newspaper report in the Washington Post on July 25th, 1931, noting that Captain Frank Malford, wanted as leading evangelist and head of the church of the Army, held five Sunday services at the memorial in August 1931."

Are you aware of any other references or any other religious services being held at the Peace Cross?

A I think that's the only one I encountered from memory.

MR. DICKERSON: I don't have anything further.

EXHIBIT 60

APPIGNANI HUMANIST LEGAL CENTER
1727 F Street NW Washington DC 20009-7125
T 800 837.3792 202 238 9088 F 202.238.9003
legal@americahumanist.org
www.humanisticlegalcenter.org

August 22, 2012

Patricia Barney, Executive Director
Maryland-National Capital Park and Planning Commission
6611 Kenilworth Avenue
Riverdale, Maryland 20737

cc: Adrian Gardner, General Counsel

Re: **Commission-Owned 40-Foot Cross on Public Land is Unconstitutional**

Ladies and Gentlemen:

I am writing to alert you to a serious separation of church and state concern. We have recently received a complaint from a Prince George's County resident about the so-called "Peace Cross" in Bladensburg, Maryland (the "Bladensburg Cross"). An investigation has revealed that the Bladensburg Cross, and the land on which it stands, belongs[1] to the Maryland-National Capital Park and Planning Commission (the "Commission"), a state agency.[2] It is

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[1] Prince George's County tax records show that the land on which the Bladensburg Cross sits belongs to the Commission, following a transfer to it on December 1, 1960. It was originally erected on land owned by the city of Bladensburg.

[2] *See* Md. Ann. Code Art. 28 §1-10I *et seq.*

unconstitutional *for* a sectarian religious symbol such as the Bladensburg Cross to be displayed on public land.

The American Humanist Association is a national nonprofit organization with over 10,000 members and 20,000 supporters across the country, including in Maryland. The purpose of the AHA's legal center is to protect one of the most fundamental legal principles of our democracy: the constitutional mandate requiring separation of church and state, embodied in the Establishment Clause of the First Amendment.[3]

As you may know, the Bladensburg Cross is a cement Christian cross that towers 40 feet above the small patch of grassy median on which it sits at the intersection of Route 450 and Route I. It stands on a rectangular platform to which a plaque is affixed listing the names of county residents who died in the First World War.

Generally speaking, the Supreme Court has interpreted the Establishment Clause to make clear that "the Constitution mandates that the government remain secular, rather than affiliate itself with religious beliefs or institutions." Co. of Allegheny v.

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[3] The very first sentence of the Bill of Rights mandates that the state be secular: "Congress shall make no law respecting an establishment of religion." This provision, known as the Establishment Clause, "build[s] a wall of separation between church and Stale." *See* Reynolds v. United States, 98 U.S. 145, 164 (1878). Pursuant to the Fourteenth Amendment, the Establishment Clause applies to the states. *See Cantwell v.* Connecticut, 310 U.S, 296, 303 (1940).

ACLU, 492 U.S. 573, 610 (1989). In order to secure this freedom from state-backed religion, the Constitution requires that any governmental actions must have a "secular purpose" and not "advance...religion." *Id.* at 590. Specifically, the government "may not promote or affiliate itself with any religious doctrine or organization." *Id.* Courts "pay particularly close attention to whether the challenged governmental practice either has the purpose or effect of [unconstitutionally] 'endorsing' religion." *Id. at* 591. Endorsement includes "conveying or attempting to convey a message that religion or a particular religious belief is favored or preferred." *Id.* at 593. Not only may the government not advance, promote, affiliate with, endorse, prefer or favor any *particular* religion, it "may not favor religious belief [in general] over disbelief" *Id.* Instead, "religion must be a private matter for the individual, the family, and the institutions of private choice." Lemon v. Kurtzman, 403 U.S. 602, 625 (1971).

Applying these general constitutional principles, federal courts have been unanimous in finding the display of prominent crosses on public property to be unconstitutional.[4] In fact, "[t]here is *no question* that

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[4] *See* Trunk v. City of San Diego 629 F.3d 1099 (9th Cir. 2011) (war memorial cross in public park unconstitutional), cert. denied, 132 S. Ci. 2535 (2012); Am. Atheists, Inc. v. Duman, 616 F.3d 1145 (10th Cir. 2010) (individualized memorial crosses for state troopers on public roadside land unconstitutional) cert. denied, 132 S. Ct. 12 (2011); Separation of Church & State Comm. v. City of Eugene of Lane Co., State of Or., 93 F.3d 617 (9th Cir. 1996) (war memorial cross erected by private group in public park unconstitutional); Gozales v. N. Twp of Lake County, Ind., 4 F.3d 1412 (7th Cir. 1993) (war memorial crucifix

the Latin cross is a symbol of Christianity, and that its placement on public land ... violates the Establishment Clause." Separation of Church & State Comm. v. City of Eugene of Lane County, State of Or., 93 F.3d 617, 620 (9th Cir. 1996) (emphasis added). It is therefore abundantly *clear that* the Commission's ownership, maintenance and prominent public display of the Bladensburg Cross on public land violate the Establishment Clause by affiliating the state with Christianity.

The fact that the Bladensburg Cross is a in part a war memorial does not change this conclusion. *See e.g.* Ara, Atheists, Inc. v. Duncan, 616 F.3d 1145, 1161 (10th Cir, 2010) (holding that being a memorial does not nullify a cross' "religious sectarian content because a memorial cross is not a *generic* symbol of death; it is a *Christian* symbol of death that signifies or memorializes the death of a *Christian").* To the contrary, the use of a cross as a memorial unconsti-

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in public park unconstitutional because it is "permanent government speech in a prominent public area that endorses religion"): Am. Civil Liberties Union of Georgia v. Rabun County Chamber of Commerce, Inc., 698 F.2d 1098 (11th Cir. 1983) (cross erected by private group on public land unconstitutional); Jewish War Veterans of U.S. v. United States, 695 F. Supp. 3 (D.D.C. 1988) (war memorial cross on military base unconstitutional "because it conveys a message of endorsement of Christianity")- Greater Houston Chanter of ACLU v. Eckels, 589 F. Supp. 222 (S.D. Tex. 1984) (three crosses and Star of David war memorial in public park unconstitutional because "(Wiese permanent symbols become state symbols when placed in a public park, and they convey purely religious *messages").* *See also* Allegheny at 599 (noting that allowing a private group to erect a cross in a courthouse even on a temporary basis would clearly violate the Establishment Clause).

tutionally "give[s] the impression that only Christians . . . are being honored." Greater Houston Chapter of Am. Civil Liberties Union v. Eckels, 589 F. Supp, 222, 235 (S.D. Tex. 1984).

The fact that the Bladensburg Cross may have been initially financed and donated by the local American Legion post is likewise of no legal significance. The Supreme Court has made clear that "[j]ust as government-commissioned and government-financed monuments speak for the government, so do privately financed and donated monuments that the government accepts and displays to the public on government land." Pleasant Grove City v. Summum, 555 U.S. 460, 470-471 (2009). Such monuments, of course, "must comport with the Establishment *Clause.*" *Id.* at 468. By choosing to accept and by continuing to display a 40-foot Christian cross, the Commission has adopted it as its own. The state, however, is not permitted to co-opt the symbol of one religion for its own use, because to do so implies that that religion is favored by the government.

This letter should not in any way be misread to imply that those who support the separation of church and state in general, or MIA in particular, seek in any way to diminish the sacrifice of the soldiers whose names are listed on the plaque on the base on which the Bladensburg cross sits. It does them, and us all, a great disservice, however, to conflate patriotism and religion. A Christian cross does not represent all of the war dead; it is not the marker chosen by Jews, Hindus, Muslims or Buddhists, nor by atheists, agnostics, humanists or other nonbelievers. A cross is an inherently Christian

symbol. The state cannot choose it to stand for all of the fallen. To do so is to denigrate the service of those who have not chosen that religion, relegating them to second class citizen status.[5] It sends the message to those who see it that the government sees only those citizens who are Christian as mattering, when, of course, that is simply false.[6] When the state prefers Christianity in this way, it not only betrays those of its citizens who are not Christian, it violates the separation of church and state, a value held dear by the founders of our nation and enshrined as a fundamental right in the Constitution they drafted.

Individual soldiers may of course be buried in a grave marked by a headstone bearing a symbol representing their beliefs if they so choose. The small crosses marking individual military graves, such as are found in Arlington National Cemetery or dotting the distant European fields of battle where the numerous fallen of the First and Second World Wars lie, are unlike a memorial that purports to

---

[5] See Lynch v. Donnelly 465 US. 668, 688 (1984) (O'Connor, J., concurring, stating that "[e]ndorsement [of religion] sends a message to nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community"; this view was adopted by the Supreme Court as a whole in Santa Fe Independent School Dist. v. Doe, 530 U.S. 290, 309-10(2000)):

[6] In fact, the number of secular Americans is increasing rapidly. According to a Gallup survey dated May 27, 2012, a third of Americans are: nonreligious (i.e. those who describe religion *as* not being an important part of their daily life" and who "seldom or never attend religious services") and large numbers are members of minority religions.

speak for larger groups of a war's dead. Small individual crosses at a burial site are each the "marker of an individual grave" and "not a universal monument to the war dead." Trunk at 1113. In its context, such a cross speaks only for the individual buried there, not for the state as a whole. In fact, among the crosses one finds the varied symbols of a great variety of religious and philosophical beliefs, including those of humanists and other atheists.[7] A group memorial in the form of a cross, the "preeminent symbol of Christianity," however, "carries an inherently religious message and creates, an appearance of honoring only those servicemen Of that particular religion." *Id.* at 1110 and 1102. This is a betrayal not only of other soldiers but of one of our deepest American values: that we are all, regardless of our opinions on matters of religion, equal citizens served by a secular government.

As the Ninth Circuit Court of Appeals noted in finding the Mt. Soledad war memorial cross in San Diego unconstitutional, "there are countless ways that we can and should honor [veterans], but without the imprimatur of state-endorsed religion." Trunk at. 1102. An appropriate war memorial honors all of the soldiers who fought and died, not just those who professed a particular religion. The government must not, and cannot, make the rest of us symbolically disappear, or imply that our patriotism or willingness to sacrifice is suspect, by choosing the symbol of a particular religion to represent us all.

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[7] To see the great variety is use, including those for nonbelievers, visit http://www.cem.va.gov/hm/hmemb.asp.

In light of the clear command of our Constitution that the state must remain secular, the Bladensburg Cross cannot remain where it stands. I request that you immediately remove it. The base on which it stands, which bears a memorial plaque, presents no concern and could remain. If you choose, it could bear a newly commissioned secular monument, such as a statue. As to the cross, perhaps the American Legion would like it back. As a private group, they could display at their post without entangling church and state.

When considering this matter, you will likely hear from a loud and self-righteous portion of the populace that seeks to see its particular religious symbols preferred by the state.[8] Such people misunderstand the Constitution. A secular government is not hostile to religion, but simply remains neutral so as to protect the religious liberty of all. The law, and therefore your duty as public servants, is clear. I

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[8] Although I doubt that a majority of Marylanders want to see their government entangled with religion, even if they do the very nature of the democracy established by our Constitution Is such that, although the will of majority generally governs, our fundamental civil rights and liberties are *not* put to a vote. *See* West Virginia Bd. of Ed. v. Barnette, 319 1d. S. 624, 638 (1943) (stating that "[t]he very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts"). The Establishment Clause protects just such a fundamental right that is not subject to the supposed will of the majority. *See e.g.* McCreary County v. ACLU of Kv., 545 US 844, 884 (2005) (stating that courts "do not count heads before enforcing the First Amendment').

trust that you will have the courage to do what is right.

Please notify me in writing within two weeks of the steps you are taking to end this constitutional violation so that we may avoid any potential litigation.[9] If you would like to discuss this important matter further, please do not hesitate to contact me at (202) 238-9088 or bburgess@americanhumanist.org at any time.

Sincerely,

William J. Burgess
Appignani Humanist Legal Center
American Humanist Association

[9] As you may know, 42. U,S.C: 111983 provides a means for suits seeking to protect civil liberties rights lawsuits to be brought in a federal court, which as a remedy for unconstitutional state conduct may issue an injunction, award damages and provide for the payment of attorney's fees nod costs so a prevailing plaintiff.

EXHIBIT 62

MARYLAND HISTORICAL TRUST
WAYSIDE CROSS MONUMENT
DATED FEBRUARY 26, 1977

Maryland Historical Trust HISTORIC PROPERTIES
State Historic Sites Inventory Form

1. Name (Indicate preferred name)

historic Wayside Cross Monument

2. Location

street & number North Rd. and Charles Sts. not for publication

city, town Towson vicinity of congressional district 2

state Maryland county Baltimore

3. Classification

Category	Ownership	Status	Present Use	
district	public	occupied	agriculture	museum
building	private	unoccupied	commercial	park
structure	both	work in progress	educational	private residence
site	Public Acquisition	Accessible	entertainment	religious
object	in process	yes: restricted	government	scientific
	being considered	yes: unrestricted	industrial	transportation
	not applicable	no	military	other:

4. Owner of Property (give names and mailing addresses of all owners)

name Baltimore County

street & number 400 Washington Ave. telephone no.: (301) 887-3400

city, town Towson state and zip code MD 21204

5. Location of Legal Description

courthouse, registry of deeds, etc. Baltimore County Courthouse liber 521

street & number Bosley Ave

city, town Towson state MD

6. Representation in Existing historical surveys

title

date federal state county local

depository for survey records

city, town state

7. Description

Prepare both a summary paragraph and a general description of the resource and its various elements as it exists today.

The Wayside Cross World War I Monument in Towson stands in a small landscaped park on York Road at Shealey Avenue, just south of the intersection with Joppa Road. Standing approximately fifteen feet in overall height, the monument is composed of a granite pedestal topped by a simply-carved granite Celtic cross. The pedestal carries bronze plaques on four sides. The park is bounded by a low wrought and cast iron fence. Two flag poles stand to the rear of the monument.

The granite cross is eight-sided in section. The head and arms of the cross spring from a circle carved at their intersection and are rounded at the ends, which are set off with double grooves. The circle is embellished with a deeply carved quatrefoil broken by the flat planes of the intersecting head and arms. On the base of the cross are bead and torus moldings above a faceted plinth, which is encircled with an iron band; eight iron straps radiate from the latter to the edges of the pedestal, their pointed ends turned up to hold the occasional wreath.

The tapered pedestal is eight-sided in plan and composed of three stacked blocks. A hipped cap on the uppermost block supports the cross. The pedestal is supported by a granite base, also eight-sided,

which consists of two low, broad steps. From a gate in the iron fence, a concrete walk leads to the south (front) side of the monument. Lights are positioned on the ground at four corners of the monument.

The bronze plaque on the front of the pedestal reads:

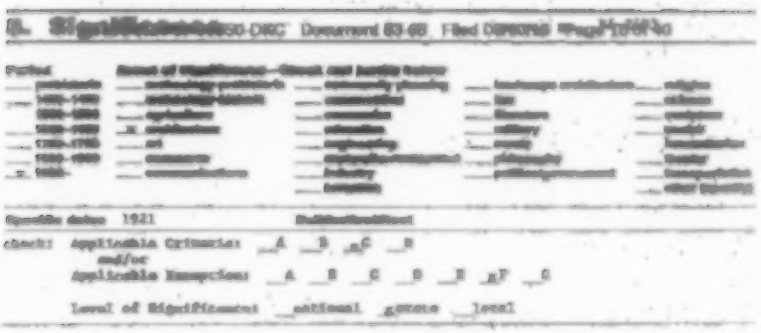
TO
THE SACRED MEMORY
OF
THE SONS AND DAUGHTERS
OF
BALTIMORE COUNTY
WHO DYING FOR THEIR COUNTRY
IN THE WORLD WAR
GAVE PROOF UNDYING
OF
PATRIOTISM SUPREME
THIS SYMBOL.
OF
LOVE VICTORIOUS IN DEATH
IS DEDICATED
BY
THEIR FELLOW CITIZENS
"GREATER LOVE THAN THIS HATH NO MAN"

BA-2403, Wayside Cross Monument
Baltimore County
7.1 Description

Attached to the top of this plaque is a bronze wreath with a bronze ribbon which runs along the top of the plaque; the wreath is centered on the upper block of the pedestal, which is carved to receive it.

The bronze plaques on the other three sides of the pedestal carry lists of names, 204 in total. All four plaques have borders of banded reeds.

A Baltimore News American photograph of a Memorial Day ceremony in 1936 shows that the monument did not originally have the iron bands. In August 1992 the monument was in fair condition. There was extensive staining of the granite from the iron bands and at least one of the bands was broken. Mortar was missing from many of the joints. The plaques were dark green with some light green corrosion. The fence was in need of rust removal, priming and repainting. Hinge pins were missing from the right side of the gate and a section of fence adjacent to the gate was severely bent, as was one gate post. The park was landscaped with yews and ivy. The following year county personnel cleaned the granite of iron stains and painted the black bands white. The fence was repaired and repainted black. The plaques were treated with muriatic acid, which removed all historic and weather related patina, and were coated with lacquer. In November 1994 the monument was washed and the bronze tablets were repatinated and waxed by the Maryland Military Monuments Commission. The granite was still in need of repointing.



Prepare both a summary paragraph of significance and a general statement of history and support.

The Wayside Cross World War I Monument in Towson is significant for its commemoration of the citizens of Baltimore County who died in the war. It also embodies the distinctive characteristics of the wayside cross war memorial, one of three known in the state.

The monument was dedicated on Defenders Day, September 12, 1921, to all soldiers, sailors, marines and nurses who died in the war. The memorial committee consulted all available records and published requests to families and friends of the deceased to send in names for listing on the monument. The cost of the monument was paid by the people of the county.[1]

The monument was proposed for the Court House Park in 1919, but the York Road location was deemed more appropriate.[2] The parcel was deeded to the County Commissioners on March 11, 1920 by

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[1] The New Era, 17 September 1921.

[2] Jeffersonian, 12 July 1919.

George M. Price, owner of the Towson Hotel, for $750.[3] During the dedication ceremony the monument was presented by the committee to the county commissioners, "in whose care and safekeeping it will hereafter remain."[4]

The design of the monument is a simplified form of Celtic cross. Judge N. Charles Burke, chairman of the memorial committee and a speaker at the dedication, remarked that the wayside cross, common in Europe, was typically placed at an intersection "so that all who pass may be reminded of the patriotic and devoted service of our glorious dead."[5]

Stone crosses are found by the hundreds at road intersections in Great Britain and Europe; the tradition dates back at least 1,000 years. The earliest are Celtic in design; the circle and the woven interlocking motifs were appropriated by Christians as symbols of eternity. First employed to mark sites for outdoor religious services, the crosses also served as landmarks. Eventually the form evolved into commemorative use.

The Wayside Cross Memorial is one of three known Celtic cross war memorials to stand in the state. Victory Cross, dedicated in 1921, is an ornately carved Celtic cross which stands on the grounds of Episcopal Cathedral at Charles Street and University Parkway in Baltimore. Peace Cross, the World

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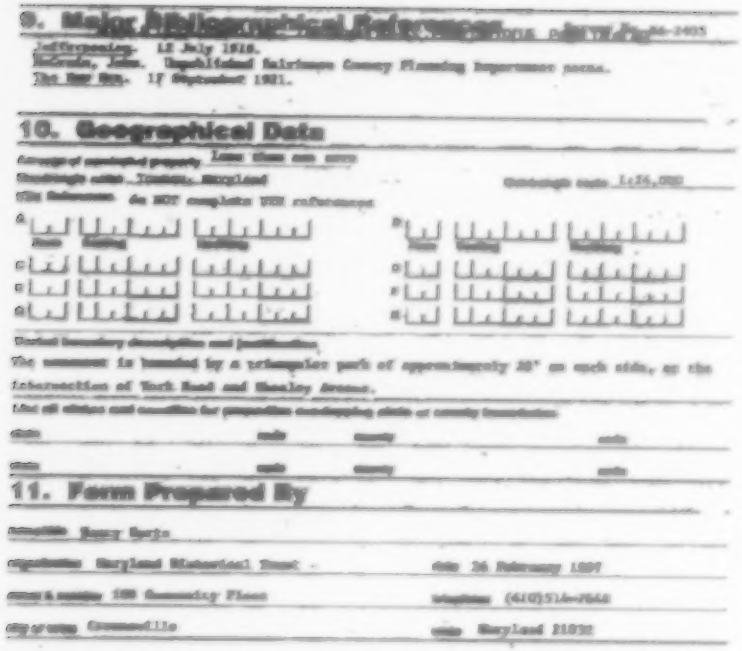
[3] Baltimore County land records, Plat Book WPC 6, folio 221 (Deed Book WPC 521/221), as cited by John McGrain in unpublished Baltimore County Planning Department notes.

[4] The New Era.

[5] Ibid.

1458

War I memorial designed in cast concrete by John Joseph Earley, was dedicated in 1925 and stands in Bladensburg, Prince George's County, at the intersection of MD 450 and U.S. 1.



9. Major Bibliographical References

10. Geographical Data

11. Form Prepared By

The Maryland Historic Sites Inventory was officially created by an Act of the Maryland Legislature to be found in the Annotated Code of Maryland, Article 41, Section 181 KA, 1974 supplement.

The survey and inventory are being prepared for information and record purposes only and do not constitute any infringement of individual property rights.

return to:
Maryland Historical Trust
State House
21 State Circle
Annapolis, Maryland
21401
(301) 269-2438

MARYLAND
HISTORICAL TRUST
DHCP/DHCD
1000 COMMUNITY PLACE
CROWNSVILE,
MD 21032
514-7600

1460

BA-2403, Wayside Cross Monument
Baltimore County

MARYLAND COMPREHENSIVE HISTORIC PRESERVATION PLAN DATA

STATEWIDE HISTORIC CONTEXTS

Geographic Organization: Piedmont

Chronological/Developmental Period(s):
Industrial/Urban Dominance, A. D. 1870-1930

Prehistoric/Historic Period Theme(s):
Military and Social/Educational/Cultural

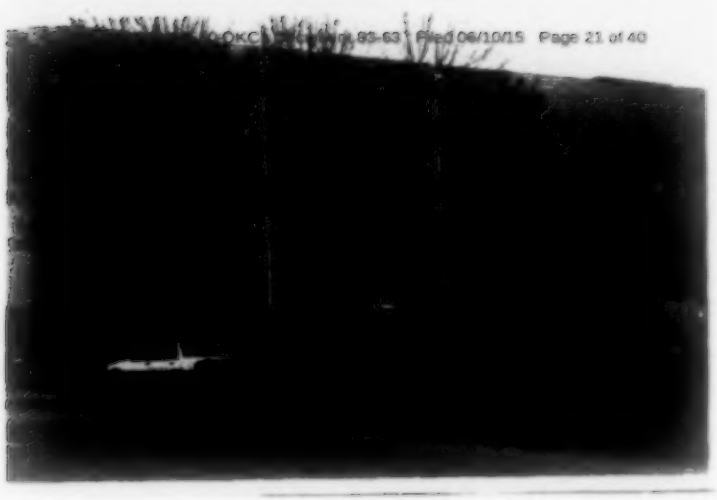
Resource Type:

Category: Object

Historic Environment: Urban

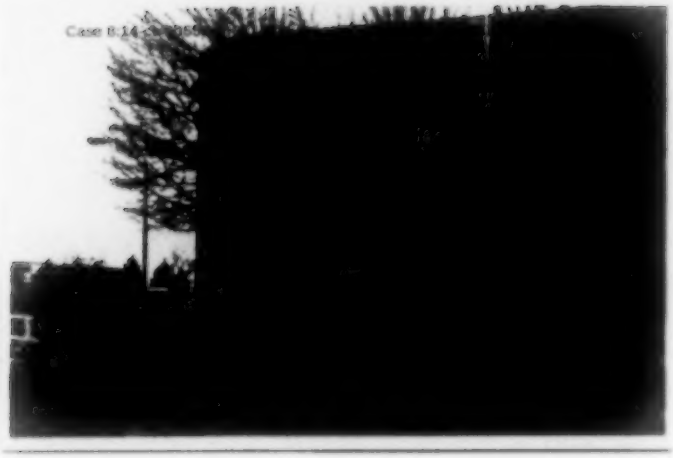
Historic Function(s) and Use(s):
RECREATION AND CULTURE/monument

Known Design Source(s): None


5:15-cv-00963-OKC Document 83-63 Filed 06/10/15 Page 21 of 40

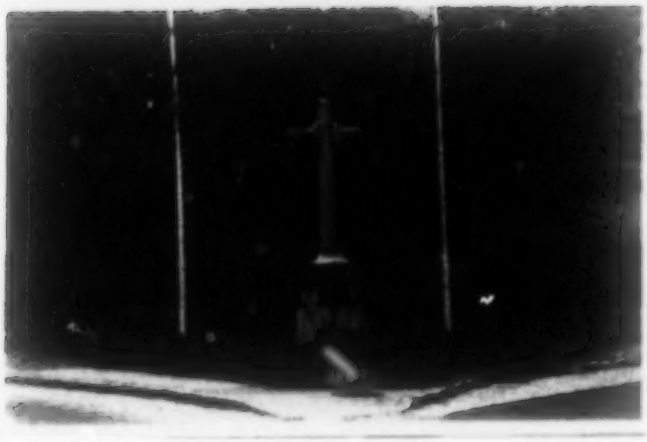
1463

1. BA-2403
2. WAYSIDE CROSS
3. Baltimore County, MD
4. Paula Spero
5. 2/97
6. MDSHPO
7. View northeast from York Road
8 1 of 10

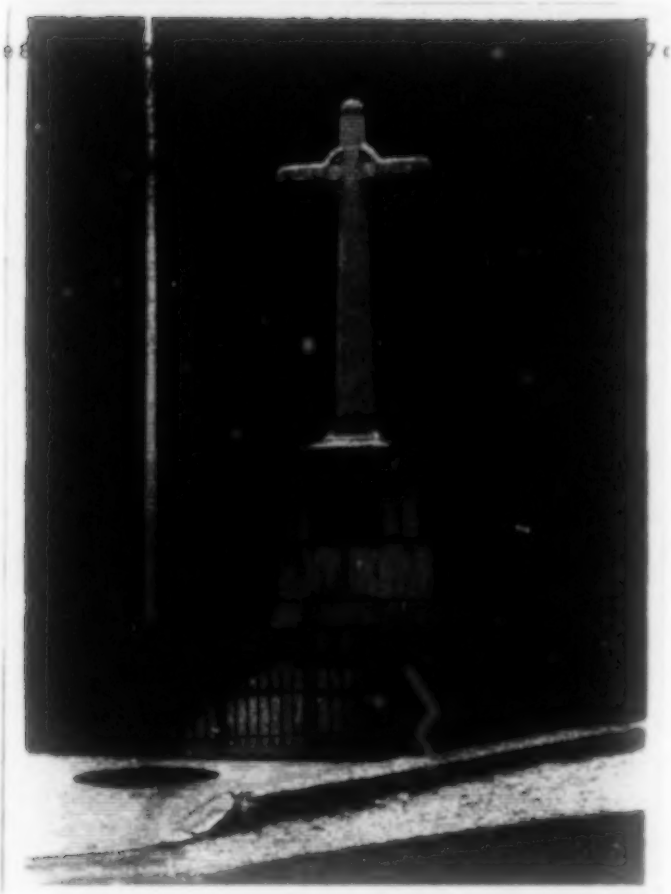


1465

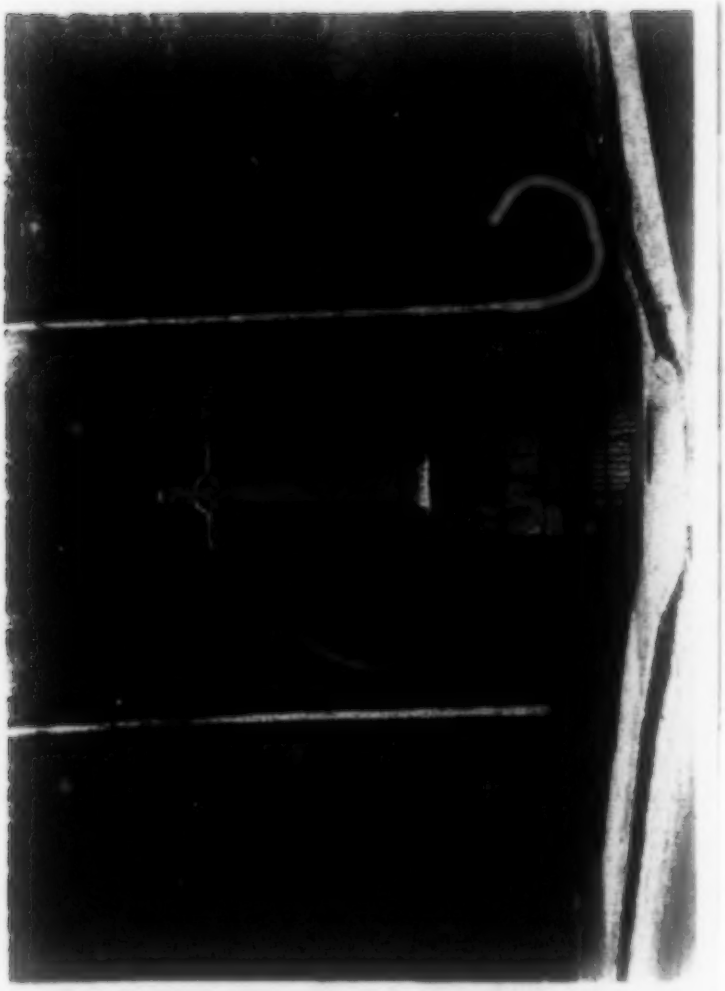
1. BA-2403
2. Wayside Cross
3. Baltimore County, MD
4. Paula Spero
5. 2/97
6. MDSHPO
7. View north from York Road
8. 2 of 10



1. BA-2403
2. Wayside Cross
3. Baltimore County, MD
4. Paula Spero
5. 2/97
6. MDSHPO
7. View northeast from York Road
8 3 of 10



1 BA-2403
2 Wayside Cross
3 Baltimore County, MD
4 Paula Spero
5 2/97
6 MDSHPO
7 View north from York Road
8 2 of 10



1 BA-2403
2 Wayside Cross
3 Baltimore, MD
4 Paula Spero
5 2/97
6 MOSHPO
7 view northeast from York Road
8 3 of 10

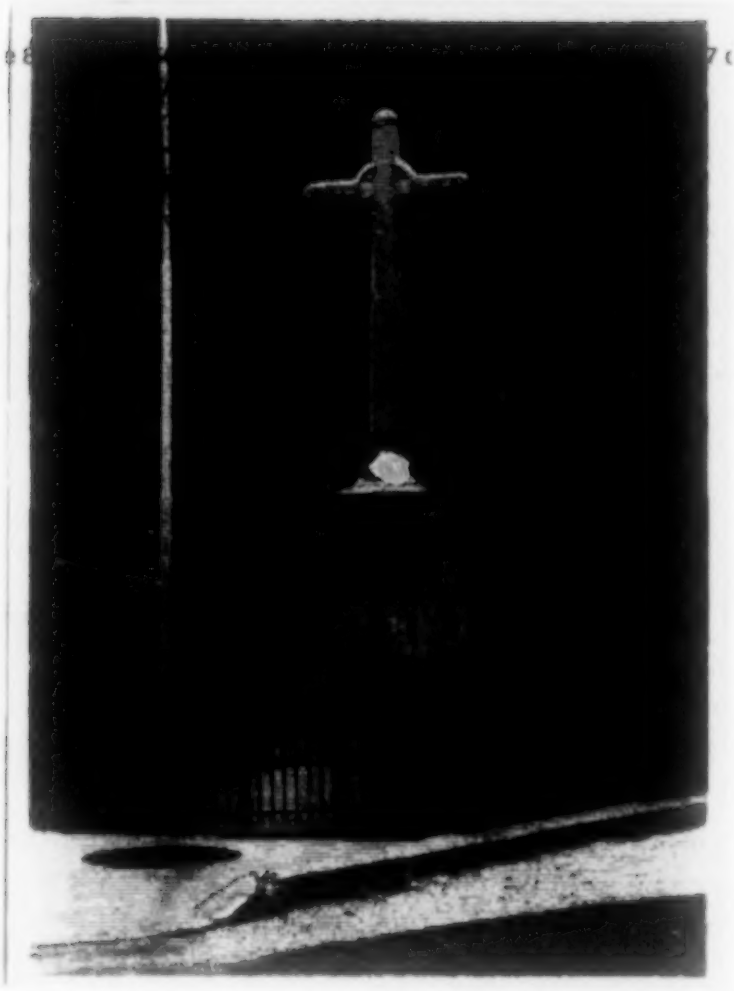


EXHIBIT 67

VETERANS DAY PROGRAM 2014

PAST COMM-ANDERS CHARGE	PHIL HOLD-CRAFT	WELCOME	WALTER JAMES / MAYOR WALTER GEORGE / COUNCIL PERSON
PRESENT-ATION OF COLORS	MAJ. DAVIS / BLAD-ENSB-URG HIGH ROTC	GUEST SPEAKER	HAYWARD MOSS / P.G. COUNTY COM-MANDER
NATIONAL ANTHEM	LT. COLONEL KIKER		
		FLORAL TRIBUTES	TBA
INVO-CATIONS	POST 131		
		TAPS	LT. COLONEL KIKER
CALL TO ORDER	PHIL HOL-DCRAFT /PAST COM-MAND-ER A.L. 131		

1475

		BENE-DICTION	POST 131
RECO-GNITION OF GUEST	MARION HOF-FMAN / PAT-RIOTIC COMM. PHIL HOLD-CRAFT PAST COMM-ANDER A.L. 131	INVIT-ATION TO LUNCH	PHILLIP HOLDCRAFT / PAST COM-MANDER A.L. 131
		RETIRE-MENT OF COLORS	MAJ. DAVIS / BLADENS-BURG HIGH ROTC

SPECIAL THANKS TO

BLADENSBURG POLICE DEPT. / BLADENSBURG DEPT. OF PUBLIC WORKS ROTC

EXHIBIT 68

AMERICAN HUMANIST ASSOCIATION
GOOD WITHOUT A GOD
Monica Miller <mmiller@americanhumanistorg>

FW: PANSIES IN FRONT OF THE CROSS

Thu, Jan 29, 2015 at 5:33 PM

Fred Edwords fredwords@unitedcor.org
To: Monica Miller <mmiller@americanhumanistorg>

----------Forwarded message----------

From: **Fred Edwords** <fredwords@unitedcor.org>
Date: **Mon, May 26, 2014 at 7:40 PM**
Subject: **Re: Pansies in front of the cross.**
To: Steve LOWE <slowe11@yahoo.com>

Yes, anything I say can be used against me. Even if they don't record it, the reporter can remember or note down other things said and include that in additional commentary. So I figured I was "on" during the whole encounter. I did say in my general briefing before the camera was set up that the Battle of Bladensburg during the War of 1812 was an embarrassing defeat for American forces, which is true. They've erected their new monument to that 1814 battle at the edge of Balloon Park, which faces the cross on the opposite side from the war memorials. This now gives them quite an array of monu-

ments all around the cross, which may actually help the case for keeping the cross on the median.

-- Fred

[Quoted text hidden]

[Quoted text hidden]

EXHIBIT 2

STATE ROADS COMMISSION RESOLUTION
RE: CONDEMNATION
DATED NOVEMBER 14, 1958

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* * *

At the regular meeting of the State Road Commission of Maryland, held at the office of the said Commission on NOV 14 1958, the following resolution was duly moved, seconded, and adopted.

WHEREAS, the State Road Commission, by a resolution duly moved, seconded and adopted on the 12th day of April, 1956, authorized and directed the Right of Way and/or Legal Departments of said Commission to institute condemnation proceedings against Cora E. Hayworth, widow, William May-worth, Jr., her son, Theresa M. Garnett and Herman A. Garnett, her husband; Lee J. Maisel and Ruth Maisel, his wife; Elsie Casey Gillespie and Patrick A. Gillespie, her husband; Florence Casey Kaisek and Walter Kaisek, her husband; William T. Casey, Jr. and Edna Casey, his wife; Frances Casey Etter and Donald Ettar, her husband; Robert E. Casey, Jr. and Isabelle Casey, his wife; – all heirs of William T. Casey; located at the intersection of U.S. Route #1 and U.S. Route 50, to acquire that portion of their property, shown on the Commission's regular Right of Way Plat Number 15523, together with certain other rights in and over and pertaining to the immediate abutting property of said owners, all in Prince George's County, State of Maryland, for public use in

order to complete the system of roads of the State of Maryland, and

WHEREAS, said aforesaid regular right of way plats do not show by metes and bounds description and the area of the property being acquired being acquired in fee simple, and

WHEREAS, since the filing of this condemnation proceeding, the Commission has caused to be prepared Right of Way Plat Number 16348, which shows the said property to be acquired in fee simple by notes and bounds description and the area thereof.

NOW, THEREFORE, BE IT RESOLVED by the State Roads Commission of Maryland that the resolution of said Commission adopted on the 12th day of April, 1956, be amended to substitute Right of Way Plat Number 16848, showing the notes and bounds description and the area of the property to be acquired in fee simple from said defendants in this condemnation proceeding in lieu of the regular Right of Way Plat Number 15523, and that the aforesaid resolution with this amendment be, and it is, hereby ratified and affirmed as to all provisions set forth therein.

Certified as to true copy,

State Roads Commission of Maryland

_____

Secretary

EXHIBIT 3

DEED BY STATE ROADS COMMISSION
DATED OCTOBER 25, 1960

Form R.W. -- 28 Book 2511 PAGE 99

STANDARD DEED FROM THE STATE ROADS COMMISSION AND THE BOARD OF PUBLIC WORKS OF MARYLAND

THIS DEED, Made this 25th day of October in the year 1960 by and between the STATE ROAD COMMISION OF MARYLAND, acting for and on behalf of the STATE OF MARYLAND, party of the first part; and

J. Millard Tawes, Governor of Maryland, Louis L. Goldstein, Comptroller of Maryland and Hooper S. Miles, Treasurer of Maryland, constituting the BOARD OF PUBLIC WORKS OF MARYLAND, part of the second part; hereinafter sometimes called the "GRANTORS"; and

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Hereinafter sometimes called the 'GRANTEE(S)".

WHEREAS, the State Road Commission of Maryland, acting for and on behalf of the State of Maryland, has heretofore acquired certain property and rights, situate lying and being in Prince George's County(ies),

State of Maryland, and

WHEREAS, the said Commission has constructed, or is about to construct (a) certain State Highway(s) and/or Bridge(s) known and designated as Contract __ 695-2-320 – Intersection of Alternate U.S. Route 1 and Route 50 at Peace Cross and

WHEREAS, the said Commission has prepared, or caused to be prepared, (a) Right of Way Plat(s) designated as State Roads Commission of Maryland's Plat(s) numbered 24207

Which Plat(s) has (have) been recorded among the Land Records of the aforesaid County(ies) in the appropriate Plat Book, and

WHEREAS, the said Plat(s) show(s) the land, easements, rights and controls of access which have been determined by the said Commission as necessary to be retained by the State for the construction, operation, maintenance, use and protection of the highway(s) and/or bridge(s) constructed, or to be constructed, as aforesaid, and

WHEREAS, the State Roads Commission has agreed, or good and valuable considerations, to convey unto the 'GRANTEE(S)" herein, certain land, hereinafter described, which the Commission has determined is no longer needed by it in connection with the construction, operations, maintenance, use and protection of the State Highway System, and

WHEREAS, under the provisions of Section 6, Article ___B of the Public General Laws of the State of Maryland, it is necessary for the Board of Public Works of Maryland to join in the conveyance of any land by the State Roads Commission.

NOW, THEREFORE, THIS DEED WITNESSETH: – That for and in consideration of the sum of One ($1.00) Dollar, and other good and valuable considerations, the receipt of which is hereby acknowledge, the said parties of the first and second parts do hereby grant, convey and quit claim unto

THE MARYLAND NATIONAL CPAITAL PARK AND PLANNING COMMISSION,
Its successors and assigns,

All right title and interest of the State Roads Commission and the State of Maryland, in and to all of the following described lot(s) or parcel(s) of land, situate, lying and being in Prince George's County(ies) State of Maryland, and described as follows, to wit: –

BEGINNING for the same at a point Southeasterly 2 feet from the intersection of Lane E and Lane F as said Lane E and Lane F are delineated on the State Roads Commission's Plat Numbered 24027, attached hereto and made a part hereof, said point of beginning being situated 42 feet measured radially from Station 18+62 of the Base Line of Right of Way Number 1, as said Base Line of Right of Way Number 1 is delineated on the aforesaid State Roads Commission's Plat Numbered 24027, running thence and concentric with Lane 3 at a distance of 2 feet from the aforesaid Lane 3 in an easterly direction by a curve to the right having a radius of 544 feet for a distance of 224 feet ± to a point of reverse curve thence continuing along a part of Lane B and a part of Lane C concentric with the distant 2 feet, in an easterly direction by a curve to the left having a radius of 275 feet for a distance of 140 feet ± to a point adjacent to the intersection of Lance C and

Lane B said point of intersection being situated 28 feet measured at right angles from Station 21+25 of the Base Line of Right of Way Number 2 as said Base Line of Right of Way Number 2 is delineated on the hereintofore mentioned State Roads Commission's Plat Numbered 24027, running thence and binding on a part of the Northern edge of Lane B and a part of the Northern edge of Lane F at a distance of 2 feet from said edge in a Westerly direction 140 feet and by a curve to the right having a radius of 203 feet for a distance of 210 feet ± in a Northerly direction to the place of beginning. CONTANING 0.33 ACRES, PLUS OR MINUS.

IT BEING A PART OF THE SAME property which was acquired from the Estate of William Casey through Eminent Domain by the State of Maryland, to the use of the State Roads Commission of Maryland, in Law No. 7755 in the Circuit Court for Prince George's County.

RESERVING unto the grantor the Easement for pipe culverts shown hatched thus XXXXXXXXX ON the hereinbefore mentioned plat numbered 24027, attached hereto and made a part hereof.

RESERVING unto the Grantor the Drainage Provisions of the State Roads Commission as indicated by the note "Legend for Drainage Structures" situated in the upper left hand corner of the State Roads Commission's Plat Numbered 24027.

RESERVING unto the Grantor the Denial of Vehicular Access through out the perimeter of this property, however access is permitted for the necessary machinery, such as lawn mowers, etc. and for workmen to have access for the purpose of maintaining the area and any access for major construction or

maintenance operation in access of those noted, will be by permission of the State Roads Commission only.

THE ABOVE DESCRIBED parcel of land shall be subject to a provision of the State Roads Commission of Maryland prohibiting the parking of vehicles at any time adjacent to the perimeter of this parcel of land.

AND THE GRANTEE by acceptance of this conveyance, covenants for itself, its successors and assigns, that no structure of any kind or commercial sign shall ever be erected upon the parcel hereby conveyed.

RESERVING unto the STATE OF MARYLAND, TO THE USE OF THE STATE ROADS COMMISSION OF MARYLAND, its successors and assigns, forever, in fee simple, all the land, together with the appurtenances thereto belonging, or in any wise appertaining, lying between the outermost lines designated "Right of Way Line" as shown and/or indicated on the aforesaid plat(s).

RESERVING unto the STATE OF MARYLAND, TO THE USE OF THE STATE ROADS COMMISSION OF MARYLAND, its successors and assigns, the right to create, use and maintain on the land shown cross-hatched thus XXXXXXXX on the above mentioned plat(s), such stream changes, inlet ditches, outlet ditches and facilities as are necessary in the opinion of the State Roads Commission so care for whatever drainage structures which may be determined necessary by the State Roads Commission for the above mentioned project.

RESERVING unto the STATE OF MARYLAND, TO THE USE OF THE STATE ROADS COMMISSION OF MARYLAND, its successors and assigns, any and all right whatsoever of the "GRANTEE(S)", their heirs, successors and assigns, of any means whatsoever of ingress or egress between the THROUGH HIGHWAY and the property hereby conveyed across the line which is designated "Right of Way Line of Through Highway", to the end that there never will be any vehicular, pedestrian and/or animal access to or from said THROUGH HIGHWAY and the remaining property of the "GRANTEE(S)" across the lines which are so marked on the above mentioned plat(s) except by means of such public road connections to EXPRESSWAYS or by means of such public and/or private road connections to CONTROLLED ACCESS ARTERIAL HIGHWAYS, as the "COMMISSION" may construct, or permit to be constructed.

RESERVING unto the STATE OF MARYLAND, To THE USE OF THE STATE ROADS COMMISSION OF MARYLAND, its successors and assigns, any and all right whatsoever of the "GRANTEE(S)", their heirs, successors and assigns, of vehicular ingress or egress between the property hereby conveyed and the highway across that portion of the right of way line which is marked "THROUGHOUT THIS PORTION OF RIGHT OF WAY LINE ALL VEHICULAR ACCESS IS DENIED"< to the end that there will never be any vehicular access to or from said highway and the remaining property of the "GRANTEE(S)" across those portions of the said right of way lines which are so marked on the above mentioned plat(s).

RESERVING unto the STATE OF MARYLAND, TO THE USE OF THE STATE ROADS COMMISSION OF MARYLAND, its successor and assigns, the perpetual right to erect and maintain between October 1st and April 1st of each year, snow fences within 100 feet of the land, hereby retained in fee simple, provided that said show fences shall not interfere with the construction and use of buildings now erected or hereafter erected or with growing crops.

SUBJECT TO and excepting from the operation and effect of this deed any and all rights and reservations that may have been granted or reserved by former owners of this property or their predecessors in title and/or covenants or restrictions which may have been established with respect to said land by such former owners or their predecessors in titles.

SUBJECT TO and excepting from operation and effect of this deed any and all existing rights now hold or used by any public utility or public utilities across or adjacent to the land herein conveyed.

TOGETHER with the buildings and improvements thereon, and the rights, roads, ways, waters, privileges and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the land and premises, hereinbefore described and mentioned, to the extent of the State's right, title and interest therein, unto and to.

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION, its successors and assigns, in fee simple.

SUBJECT, HOWEVER, TO EACH AND EVERY RESERVATION, RESTRICTION, CONDITION, COVENANT AND CONTROL SET FORTH IN THIS INSTRUMENT OF WRITING,

AND THE GRANTEE(S) HEREIN, by the acceptance of this deed, do hereby covenant and agree, on behalf of themselves, their heirs, successors and assigns, to abide by and respect each and every reservation, restriction, condition, covenant and control set forth in this instrument of writing, it being the intention hereof to perpetuate all of right and privileges retained by the State of Maryland, to the use of the State Roads Commission of Maryland, by this deed. It is expressly understood and agreed that these covenants shall run with and bind the property hereby conveyed and the remaining property of the "GRANTEE(S)" and shall be binding upon the "GRANTEE(S)", their heirs, successors and assigns, forever.

IN TESTIMONY WHEREOF, Witness the hands and seals of the parties hereto:

ATTEST:—

/s/
C.R. Pease
Secretary

STATE ROADS COMMISSION OF MARYLAND

/s/
John B. Funk
Chairman and Director of High-ways

Approved as to Form and Legal Sufficiency

/s/
Special Attorney

Concurred in by

/s/
Chief Right of Way

Engineer

****

ATTEST:— /s/ (SEAL)
J. Milward Tawes—
Governor of Maryland

/s/ (SEAL)
Andrew Heubeck Jr — Louis L. Goldstein—
Secretary — Comptroller of Maryland

/s/ (SEAL)
Hooper S. Miles—
Treasurer of Maryland
Constitution the BOARD
OF PUBLIC WORKS OF
MARYLAND

STATE OF MARYLAND, CITY OF BALTIMORE, To Wit:

I HEREBY CERTIFY, that on this 25th day of October in the year 1960, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City aforesaid, personally appeared John B. Funk, Chairman and Director of Highways for the State of Maryland and acknowledged the foregoing deed to be the act of the State Roads Commission of Maryland, and at the same time made oath in due form of law that he is fully authorized to execute and acknowledge the same.

WITNESS MY HAND AND NOTARIAL SEAL

/s/

Notary Public

My Commission expires May 1, 1961

STATE OF MARYLAND, COUNTY OF BALTIMORE, To wit:

I HEREBY CERTIFY, that on this 4th day of November in the year 1960, before me, he subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

J. Millard Tawes – Governor of Maryland
Louis L. Goldstein – Comptroller of Maryland
Hooper S. Miles – Treasurer of Maryland

constituting the BOARD OF PUBLIC WORKS OF MARYLAND, and acknowledged the foregoing deed to be the act of the said Board of Public Works of Maryland.

WITNESS MY HAND AND NOTARIAL SEAL

/s/

Notary Public

My Commission expires May 1, 1961

EXHIBIT 4

RESOLUTION

Upon motion duly made, seconded and carried, the following resolution was passed: -

RESOLVED, WHEREAS the State Roads Commission acting for and on behalf of the State of Maryland and the Board of Public Works of Maryland, have conveyed to The Maryland-National Capital Park and Planning Commission, the tract of land in Bladensburg, Prince George's County, Maryland, occupied by the Peace Cross at the intersection of Alternate U.S. Route 1 and Route 50, in accordance with the right of way plat designated as State Roads Commission of Maryland Plat No. 24207, and

WHREAS, the Snyder-Farmer-Butler Post No. 3 of the American Legion, Department of Maryland, has claimed an interest in the land occupied by the said Cross and adjoining the same as one parcel, the reason of its having assumed and performed the completion of the Cross in 1924 and having made arrangements for the care and preservation of the tract and the Cross and by reason of having, during intervening years, conducted memorial services upon the parcel on appropriate occasions, and

WHEREAS, the said Legion initiated and participated in a series of negotiations and events that resulted in the aforesaid conveyance of the said tract to the Park and Planning Commission, with the understanding that said Park and Planning Commission would assume the obligation of maintaining, repairing and otherwise caring for said Cross and the land upon which it is erected.

NOW, THEREFORE, BE IT RESOVLED that the Snyder-Farmer-Butler Post No. 3 of the American Legion, Department of Maryland, by this Resolution does transfer and assign to the Maryland-National Capital Park and Planning Commission all its right, title and interest in and to the Peace Cross, also originally known as the Memorial Cross, and the tract upon which it is located and surrounded and bounded by the curbings and boundary lines of the highways of the State Roads Commission adjoining the said Cross parcel, with the understanding that said Park and Planning Commission will assume the obligation of maintaining, repairing and otherwise caring for said Cross and the land upon which it is erected, reserving onto said Post the right and the privilege to hold memorial services to departed veterans and other ceremonies upon the parcel on appropriate dates and occasions, and with the further request that if by force of circumstances and events the Cross and its surrounding parcel is removal from the jurisdiction of the said Park and Planning Commission, its successors and assigns, that the Legion Post be notified sufficiently in advance to make arrangements for the care and maintenance of the Cross and the surrounding parcel.

I HEREBY CERTIFY that the aforegoing Resolution was passed at a regularly called and conducted meeting of the Snyder-Farmer-Butler Post No. 3 of the American Legion, Department of Maryland, at the Hyattsville Armory on the ___ day of February 1961.

/s/

1492

Commander

/s/

Adjutant

EXHIBIT 6

DECEMBER 2009

PRELIMINARY

PRINCE GEORGE'S COUNTY, MARYLAND

HISTORIC SITES

AND DISTRICTS

PLAN

The Maryland-National Capital
Park and Planning Commission
www.mncppc.org/bgco

TITLE:	Preliminary Historic Sites and Districts Plan
AUTHOR:	The Maryland-National Capital Park and Planning Commission Prince George's County Planning Department
SUBECT:	Preliminary Historic Sites and Districts Plan for Prince George's County
DATE:	December 2009
SOURCE OF COPIES:	The Maryland-National Capital Park and Planning Commission 14741 Governor Oden Bowen Drive Upper Marlboro, MD 20772

1494

SERIES NUMBER: 9570952405

NUMBER OF PAGES: 404

ABSTRACT: This document is the Preliminary Historic Sites and Districts Plan for Prince George's County. Policy guidance for this plan came from the 2002 *Prince George's County Approved General Plan.* The preliminary plan updates the 1992 *Historic Sites and Districts Plan* by including proposed additions to historic sites and resources, as well as a set of proposed goals, policies, and strategies to guide future preservation planning efforts. The plan contains an initial set of implementation priorities and a proposal for a strategic plan of implementation. Appendices provide updated county and community histories, historic themes, cemetery listings, organizations, and sources of information.

* * *

PART THREE
INVENTORY

Part 3: Decorative rooster on gatepost at the Newton White Mansion (Proposed Historic Site 73-006) Historic American Buildings Survey, 1992

* * *

CHAPTER 16
HISTORIC SITES AND PROPOSED HISTORIC SITES

The following pages provide a brief description of the county's Historic Sites, the Broad Creek Historic District, and the Old Town College Park Historic District, The 73 individual listings in the National Register of Historic Places are indicated; however, the seven National Register districts, Mount Rainier, North Brentwood, Hyattsville, Riverdale Park, West Riverdale, University Park, and Calvert Hills, and the Greenbelt National Historic Landmark District are not described here because they are included in the detailed descriptions of historic communities that are included in Appendix B.

The first two digits of the identifying number for each historic site reflect the PlanningAreain which the resource is located; for example, 69-001 means Planning Area 69, site number **1. A** series of three numbers indicates that the site is located in a historic community; the second number identifies the community and the third number identifies the site within that community, e.g., 68-01002 is site number 2 within historic community number 010, located in Planning Area 68. Property titles in ***bold italics*** indicate a proposed historic site designation; *italics* also indicate a proposed environmental setting or a pending easement. The abbreviation NR indicates that the property is individually listed in the National Register of Historic Places; the abbreviation NHL indicates that the property is a National Historic Landmark. The abbreviaiton E indicates that the property is subject to an easement, and ES indicates that an environmental setting that is less than the

entire property has been established. Designated archeological sites are described, but their precise location will remain confidential to protect them from intrusion.

Legend:

HS **Historic Site**
HS ***Historic Site* (proposed)**
NR National Register
NR *National Register* (proposed)
NRHD National Register Historic District
NHL National Historic Landmark
E Easement
ES Environmental Setting

Properties designated as historic sites must meet specific criteria for historic, cultural, archeological and/ or architectural significance found in Subtitle 29-104, To be determined historically or culturally significant, a property must be of:

la Significant character, interest, or value as part of the development, heritage, or cultural characteristics of the County, State, or Nation

lb The site of a significant historic event

lc Identified with a person or a group of persons who influenced society; or

ld Exemplify the cultural, economic, social, political, or historic heritage of the County and its communities

To be determined architecturally significant, the property must:

2a Embody the distinctive characteristics of a type, period, or method of construction

2b Represent the work of a master craftsman,architect or builder

2c Possess high artistic values

2d Represent a significant and distinguishable entity whose components may lack individual distinction; or

2e Represent an established and familiar visual feature of the neighborhood, community, or County, due to its singular physical characteristics or landscape

The final line of each entry identifies the criteria by which each historic site has been designated. In the 1981 plan, those properties that were already listed in or in the process of nomination to the National Register of Historic Places were considered to have met Subtitle 29 criteria and were designated as historic sites without criteria.

69-005-07 NR E

Hilleary-Magruder House (William Hilleary House)

4703 Annapolis Road, Bladensburg

- Mid-18th century 1 ½ story stucco-covered stone gambrel-roof house, restored as offices in the 1980s
- Built for William Hilleary and visited by George Washington in 1787; one of four surviving pre-Revolutionary buildings in Bladensburg; owned or rented by a series of five doctors, including Dr. Archibald Magruder

69-005-08 **Market Master's House**

NR 4006 48th Street, Bladensburg

- c. 1765, 1 ½ story side-gabled house built of nonlocal stone
- Built by Christopher Lowndes of Bostwick on lot overlooking adjoining market space; unique example of its type, one of four surviving pre-Revolutionary buildings in Bladensburg

69-005-09 **Bostwick**

NR E 3901 48th Street, Bladensburg

- 1746, 2 ½ story Georgian brick house, with high buttress at south gable end and kitchen wing at north; historic farm outbuildings
- Built for Christopher Lowndes, merchant and Town Commissioner; home of Lowndes' son-in-law, Benjamin Stoddert, first Secretary of Navy; earliest surviving building in Bladensburg; owned by Town of Bladensburg

69-005-16 ***Peace Cross***

Annapolis Road and Route 1, Bladensburg (M- NCPPC)

- *1919-1925, constructed of cast concrete with exposed aggregate, the cross is a tan color composed of chipped flint material; arms extend five feet from the center on each side and are supported by*

unadorned, arched concrete brackets; the arms also have arched brackets on top, suggesting the form of a Celtic cross

- *Significant as a prominent public monument to county residents who lost their lives in the line of duty during World Warr; the design of the Peace Cross is the work of master craftsman and contractor John J. Earley, developer of the Earley Process of concrete construction*
- *Criteria la, Id, 2a, 2b*

69-012 **Riverdale Baptist Church**

6200 Riverdale Road, Riverdale Park

- *c.* 1928, 1% story frame cross-gable church; corner tower added a decade after original structure has distinctive bell-cast roof
- Congregation formed by the Reverends B. Roberton and *C.* W. Ericson; known first as the Ericson Memorial Baptist Church
- Criteria 2a, 2e

69-019 **Browning-Baines House**

5601 57th Avenue, Riverdale Park

- 1896, 2% story hip-roof frame dwelling with wraparound porch, projecting bay and ornamental shingle siding

1500

- Outstanding example of late Victorian domestic architecture, the only surviving historic dwelling in its immediate neighborhood
- Criteria Ic, 2a, 2c

* * *

Maryland Historical Trust
Maryland Inventory of
Historic Properties Form

Inventory No.
PG: 69-005-16

Peace Cross
Continuation Sheet

Number 9 Page 1

Chain of Title

Deed 421:381 February 25, 1922	Commissioners of the Town of Bladensburg to Snyder-Farmer Post 3, American Legion
Law #7755 1956	Circuit Court rules the property should be vested to the State of Maryland
Deed 2511:99 October 25, 1960	State Roads Commission of Maryland to Maryland-National Capital Park and Planning Commission (with the covenant that no structure or commercial sign shall ever be erected on the parcel conveyed in this deed)

Maryland Historical Trust Maryland Inventory of Historic Properties Form

Inventory No. PG: 69-005-16

Peace Cross

Continuation Sheet

Number 9 Page 2

Photo: Peace Cross, view of the east elevation, looking west

Maryland Historical Trust
Maryland Inventory of
Historic Properties Form

Inventory No. PG: 69-085-16

1. Name of Property

2. Location

3. Owner of Property

4. Location of Legal Description

5. Primary Location of Additional Data

6. Classification

7. Description	Inventory No. PG: 69-005-16

Condition

___ excellent ___ deteriorated

_X_ good ___ ruins

___ fair ___ altered

Prepare both a one-paragraph summary and a comprehensive description of the resource and its various elements as it exists today.

The Peace Cross, located at the intersection of Annapolis Road (Maryland Route 450) and Baltimore Avenue (U.S. Route 1) in Bladensburg, is a cast concrete memorial cross constnicted 1919 -1925, The cross is forty feet high with arms extending five feet from the center. The Peace Cross stands on a traffic island; the traffic island is a small green space at this busy juncture of roads and features a flagpole, located adjacent to the cross, and planting beds, which surround the cross.

MONUMENT

The forty-foot Peace Cross is a memorial to residents of Prince George's County who lost their lives during World War I (1914-1918). The cross is constructed of cast concrete with exposed aggregate selected for its color and distribution; the cross is a tan color comprised of chipped flint material aggregate. Inlaid decorative accents of chipped deep pink granite embellish the Peace Cross. A thick, centrally placed band of the pink granite runs along the north and south sides of the cross. The east and west sides have a thin inlay of pink granite aggregate outlining

the shape of the cross, located a few inches from the perimeter of the structure.

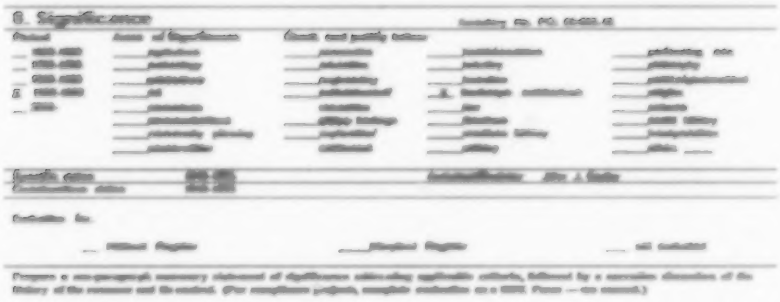
The arms of the cross extend five feet from the center on each side and are supported by unadorned, arched concrete brackets; the arms also have arched brackets on top, suggesting the form of a Celtic cross. Contrasting gold, red, green, and blue aggregates were used to form medallions on the crossings. The two medallions display a gold star within a green laurel wreath that is set on a blue background. "U.S." is written in the center of the star with a dark red aggregate. The bottom of the cross has an inscription on each side: "endurance" on the south, "valor" on the west, "devotion" on the north, and "courage" on the east.

The Peace Cross is set on a base of cast concrete in a tan aggregate, matching the cross itself The base has a bronze tablet on the south side of the base. The tablet states, "This memorial cross is dedicated to the heroes of Prince George's Catinty, Maryland who lost their lives in the Great War for the liberty of the world." The bronze tablet then lists the names of the forty-nine soldiers from the county who lost their lives during the war. After the list of names, the tablet reads, "The right is more precious than peace. We shall light for the things we have always carried nearest our hearts. To such a task we dedicate our lives (Woodrow Wilson)."

INTEGRITY

The Peace Cross retains a high level of integrity. The cross is unaltered with the exception of restoration work undertaken during the 1960s by the Maryland-National Capital Park and Planning Commission.

Improvements made to the intersection of the major roads surrounding the Peace Cross have not affected the cross's integrity of feeling, setting, location, or association. The design, materials, and workmanship of the Peace Cross have not been compromised. Thus, the Peace Cross has sufficient integrity to convey its significance as a work of John Earley and a memorial to soldiers who lost their lives during World War 1.



STATEMENT OF SIGNIFICANCE

The Peace Cross, constructed from 1919-1925, is significant as a monument to Prince George's County residents who lost their lives in the line of duty during World War I. The Peace Cross is located at the eighteenth-century site of the Bladensburg Port landing, a significant location that served as the hub of colonial and early nineteenth century life in Bladensburg. The design of the Peace Cross is the work of master craftsman and contractor John J. Earley, founder of the Earley Process for concrete. The cross retains a high level of integrity, which conveys its significance as a monument and as the work of a master designer.

HISTORIC CONTEXT

The Peace Cross is located in Bladensburg, which was established in 1742. Bladensburg was an important port town during colonial times and the site of the Battle of Bladensburg during the War of 1812 in 1814. The port at Bladensburg was established to cater to tobacco growers on the Eastern Branch (Anacostia River) of the Potomac River. At the time, the mouth of the Anacostia River was one mile wide and twenty to forty feet deep, which made the port at Bladensburg the most well protected port in the

region. Bladensburg was "one of the safest and most commodious harbors in America, being sufficiently deep for the largest ships for about four miles above its mouth."[1] Bladensburg retains several eighteenth century residences and commercial buildings, as well as a nineteenth-century church, that illustrate the town's colonial and Federal periods. The town's residential areas are located. east of Annapolis Road, which is the commercial corridor in the community. The residential area was platted in sections as Decatur Heights in 1914 and 1917; the area has a high concentration of early-twentieth-century buildings.[2]

The former Blaklensburu Port landing, which was the center of economic and social life in Bladensburg well into the nineteenth century, was chosen as the location to construct the Peace Cross. The Prince George's Memorial Committee was termed alter World War I for the express purpose of raising funds to erect a

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[1] Town of Blandensburg, "The Port O' Blandensburg." http://www.blandensburg.com/html/history.html#Port (accessed July 2, 2007)

[2] Maryland-National Capital Park and Planning Commission and Prince George's County Planning Department, *Historic Sites and Districts Plan* (1992), B-16.

monument to the county's war dead.[3] Ground was broken for the cross in September 1919 at the same time the new road between Bladensburg and Annapolis was dedicated. The new road was named the National Defense Highway to honor the fallen soldiers.[4]

John J. Earley designed the forty-foot cast concrete Peace Cross. Earley, an artist, artisan, and architect, maintained a studio in Washington, D.C. and was best known as a master of concrete technology. At a young age, John Earley came to know Basil Taylor, a man with whom he would become closely associated with in business for the next forty years. Earley and Taylor became known in business as a plaster and stucco firm. They received both private and government work, with one of their commissions being the

[3] Shirley Baltz, "Peace Cross," (PG: 69-005-16) Maryland Historical Trust State Historic Sites Inventory Form (1985). Records of the Snyder-Farmer-Butler Post #3 American Legion.

[4] Shirley Baltz, "Peace Cross," (PG: 69-005-16) Maryland Historical Trust State Historical Sites Inventory Form (1985).

remodeling of the interior of the White House during President Roosevelt's first term.[5]

Known as the "Man Who Made Concrete Beautiful," Earley promoted the use of exposed concrete aggregate. Earley achieved his "architectural concrete" through his experimentations with the proportions in which concrete is mixed, to create a uniform appearance. The uniform appearance of the concrete was a departure from the characteristic concrete block appearance of most concrete surfaces, and allowed buildings finished in concrete to have a more stylized appearance. Notable examples of other known works associated with the work of John Earley include: the Baha'i Temple of Light in Wilmette, Illinois, Meridian Hill Park in Washington, DC, and the Replica of the Athenian Parthenon in Nashville, Tennessee.6 The colored concrete used in the Peace Cross exhibits the uniform appearance Earley pioneered with his architectural concrete.

Construction of Earley's design began in 1919 but insufficient funds halted construction in 1922. In February of that year, the Commissioners of Bladensburg resolved to convey the site of the Peace Cross to the Snyder-Farmer Post of the American Legion, which promised to complete the project.[7] The

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[5] EHT Traceries, *George Washington University Plan Sites* (2006)

[6] EHT Traceries, *George Washington University Plan Sites* (2006)

[7] Commissioners of Bladensburg to the Snyder-Farmer American Legion Post, Prince George's County Land Records, 421:381.

Legion was able to raise enough funds, and the project was completed on July 12, 1925 at a total cost of $10,000. A parade preceded the unveiling ceremony, which featured a keynote address from Representative Stephen W. Gambrill.[8]

During the 1950s, the State Roads Commission made several improvements to the intersection where the Peace Cross stands. A longstanding controversy over ownership of the parcel of land where the cross stands was resolved in 1956 by a Circuit Court ruling. The court ruled that title should be vested to the State of Maryland.9 In 1960, the State of Maryland deeded the land to the Maryland-National Capital Park and Planning

[8] Wahsington Post, "Legion Dedicates Bladensburg War Memorial Cross," page 14, July 13, 1925.

[9] Prince George's County Records, Law #7755

Commission, which has owned and maintained the site since.[10] A small ceremony hosted by the Snyder-Farmer-Butler Post of the American Legion was held in July 1975 to celebrate the fiftieth anniversary of the monument's dedication.[11]

[10] State of Maryland to the Maryland National Capital Park and Planning Commission, Prince George's County Land Records, 2511:99.

[11] Shirley Baltz, "Peace Cross," (PG: 69-005-16) Maryland Historical Trust State Historic Sites Inventory Form (1985), 8:1.

9. Major Bibliographical References

Boundary No. PG-69-003-14

Dolin, Nancy. "Peace Cross" (PG# 69-003-14) Maryland Historical Trust State Historic Sites Inventory Form, 1985.
Frederick Mountney. "John Joseph Hurley." http://www.mylesstone.org/bios/bios_orgbios.cgi?229.
Maryland-National Capital Park and Planning Commission and Prince George's County Planning Department. *Historic Sites and Districts Plan*, 1992.
Prince George's County Land Records.
The Washington Post, "Legion Dedicates Bladensburg War Memorial Cross," July 13, 1925.

10. Geographical Data

Acreage of surveyed property 11
Acreage of historical setting 11
Quadrangle name Bladensburg, Md. Quadrangle scale: 1:24,000

Verbal boundary description and justification

Since the monument's completion in 1925, it has been associated with Parcel 67 of Tax Map 58. The Peace Cross is located on a flat grassy area at the intersection of Annapolis Road (MD 450) and Baltimore Avenue (U.S. 1). Bladensburg Road also enters through the juncture of Annapolis Road and Baltimore Avenue. These three roads create a crescent-shaped area where the Peace Cross stands.

11. Form Prepared by

name/title	Elizabeth Skalnik and Paul Weishar, Architectural Historians		
organization	EHT Traceries, Incorporated	date	October 2007
street & number	1121 5th Street NW	telephone	202.393.1199
city or town	Washington	state	DC

This Maryland Boundary of Historic Significance was officially modified by an Act of the Maryland Legislature as last found in the Annotated Code of Maryland, Article 41, Section 181 B4, 1974 supplement.

The survey and inventory are filing programs for information and record purposes only and do not constitute any infringement of landowner property rights.

return to: Maryland Historical Trust
DHCD/MHCP
100 Community Place
Crownsville, MD 21032-2023
410-514-7600

Photo: Peace Cross, view of the
west elevation, looking east

CAPSULE SUMMARY

PG: 69-005-16

Peace Cross

Annapolis Road and Route 1

Bladensburg, Prince George's County, Maryland

1919-1925

Private

The Peace Cross, constructed from 1919-1925, is significant as a prominent public monument to Prince George's County residents who lost their lives in the line of duty during World War I, The Peace Cross is located near the eighteenth-century site of the Bladensburg Port landing, a significant location that served as the hub of colonial and early nineteenth century life in Bladensburg. The design of the Peace Cross is the work of master craftsman and contractor John J. Earley, founder of the Earley Process for concrete. The cross retains a high level of integrity, which conveys its significance as a monument and as the work of a master designer.

The forty-foot Peace Cross is a memorial to residents of Prince George's County who lost their lives during World War I (1914-1918). The cross is constructed of cast concrete with exposed aggregate selected for its color and distribution; the cross is a tan color comprised of chipped flint material aggregate. Inlaid decorative accents of chipped deep pink granite embellish the Peace Cross. A thick, centrally placed band of the pink granite runs along the north and south sides of the cross. The east and west sides

have a thin inlay of pink granite aggregate outlining the shape of the cross, located a few inches from the perimeter of the structure, The arms of the cross extend five feet from the center on each side and arc supported by unadorned, arched concrete brackets; the arms also have arched brackets on top, suggesting the form of a Celtic cross.

EXHIBIT 8

U.S. NATIONAL PARK SERVICE
PHOTOGRAPH

BLADENSBURG MONUMENTS
Star Spangled Banner National Historic Trail

This crossroads has become a place for communities to commemorate their residents in service and in death. Among the memorials dedicated here is the "Undaunted in Battle" Monument to those who served and died in the War of 1812 and the Battle of Bladensburg.

The large Memorial Cross in the center of the crossroads constructed between 1919 and 1925, is

dedicated to the "soldiers, sailors, and marines" who died in World War I. Memorial Cross marks the beginning of the National Defense Highway between Bladensburg and Annapolis.

A table installed in 1944 and updated in 1946 and 1953 honors those who died in World War II. The bronze plate reads "In Memory of the Men and Women of Prince George's County who made the supreme sacrifice that freedom might live." The fourth monument, begun in 1982, is dedicated to those who served and died in the Korean and Vietnam Wars. The memorial is inscribed with "Duty, Honor, Country."

After the tragedies of September 11, 2001, the Town of Bladensburg dedicated a memorial to those who died in the attacks. The inscription reads "Prince George's County honors those who lost their lives on September 11, 2001. We will always remember them."

EXHIBIT 11

EMAIL FROM JASON TORPY
DATED SEPTEMBER 12, 2012

Roy Speckhardt

Executive Director

American Humanist Association

http://www.americanhumanistorg

http://www.facebook.com/AmericanHumanist

1-800-837-3792

On Wed, Sep 12, 2012 at 9:39 PM, Jason Torpy <jason@dday76.net> wrote:

EC and Roy,

Below is the letter to the editor I wrote. I would prefer to have put it up for review first, but I'll get some feedback for next time, and the quick response hopefully will increase the likelihood of publication.

I think we might include the whole board on this discussion, as well as Bill Burgess and Brian Magee. I think it's a good discussion to have on strategic priori-ties and marketing.

From the letter, you can see I feel strongly about having these crosses removed. That having been said, I think these kind of protests are blackmagic - they get us attention while perpetuating the idea that we're a bunch of angry atheists. We are angry atheists, but maybe it's not our best use of resources.

The Bladensberg cross, like Woonsocket, RI, is something that was posted up decades ago and was

actually a war memorial when it was posted. I think there's a way to say that the US was less respectful of diversity back in the olden days and that some of that old stuff can stay up for historical purposes - just because it's a 40-foot tall hunk of stone and hard to move.

On the one hand, this sounds like giving up. On the other hand, it allows up to draw a line in the sand and say that religious shrines put up decades ago can be history, but things put up more recently (Pendleton » crosses) AND shrines that were intended to be religious shrines (Mt Soledad) AND shrines that are not just crosses (Big Mountain Montana) are ones to focus on. Not sure where the WTC cross fits in all this... Being more specific about where the line is drawn will help us focus and make it more clear that we see a place for religious expression, within limits.

Regardless what you feel about all that, I think that in the grand scheme of things, I don't understand why AHA is working on Bladensburg but not Big Mountain or Camp Pendleton, especially Camp Pendleton.

References for all those cross issues:

http://militaryatheists.orgfadvocacy/stolen-valor/

ps. I also don't think we need to pay for replacing something that shouldn't be there. Waiting until we can suggest a secular memorial just sets us up for failure.

To the editor:

In the recent article National organization protests Bladensburg morial, it was stated that it's a slap in the face to veterans for the American Humanist

Association to challenge the constitutionality of the Bladensburg Peace Cross. If anything, this memorial is a slap in the face to non-Christian veterans like myself. Christian shrines masquerading as war memorials are popping up throughout the US. This tactic of seeking government endorsement of Christianity on the backs of fallen veterans discredits our diverse military and cheapens the deeply-held religious beliefs of many Americans. The government's allowance of a40-footChristian cross marginalizes the service our military heroes who are Jewish, Wiccan, humanist, Buddhist, and even those Christians who respect secular government. The town of Bladensburg has the opportunity to respect tall veterans and all citizens equally by replacing this looming totem of Christian Nationalism with a more appropriate symbol of Patriotism, Service, Sacrifice, and Peace.

Jason Torpy, DC

Prior Army Captain and Iraq War Veteran

President, Military Association of Atheists & Freethinkers for your information and publication if you wish: Board member of the American Humanist Association

On Wed, Sep 12, 2012 at 11:44 AM, Becky Hale EvolveFISH < becky20@spamarrest.com> wrote:

I'd like to open a dialogue on the pros and cons of these cross monument cases. I'm not sure these smaller local situations are good PR. In reading one of the last pieces Brian forwarded I felt that we might be doing more harm than good with challenging these neighborhood crosses, unless we have a

fund for offering a replacement secular monument. I think a better argument can be made when we can offer an alternative memorial. This could get pricey but the sense of outrage when locals are told take downyour monument to whatever dead folk they are honoring, isn't constructive to our cause.

What do the rest of you think? I am looking for a discussion.

Becky

– The World is my country; to do good is my religion - Thomas Paine

Support Science not Superstition - EvolveFISH.com

EXHIBIT 20

EMAIL FROM ROY SPECKHARDT
DATED SEPTEMBER 13, 2012

On Thu, Sep 13, 2012 at 11:32 AM, Roy Speckhardt <rspeckhardtgamericanhumanistorg> wrote:

I think it would be great if we could get to someone such as the notoriously hard to reach Mia Linn to get have a design we could recommend as an alternative. The unfriendly reporters won't cover that aspect, but it's still a good gesture. Linn would be ideal since she's a humanist and notable for designing the Vietnam Memorial, so her recommendation would be harder not to take seriously.

-Roy

Roy Speckhardt

Executive Director

American Humanist Association

http://www.americanhumanist.org

http://www.facebook.com/AmericanHumanist

1-800-837-3792

On Thu, Sep 13, 2012 at 10:52 AM, Becky Hale EvolveFISH <becky20@sparnarrest.com> wrote:

I'd just like to see some opportunities for us not to simply be *spoilers", but rather, offer something that is an enhancement to the status quo. Maybe that isn't possible in the current climate.

Becky

— The World is my country; to do good is my religion - Thomas Paine

Support Science not Superstition - EvolveFISH.com

On Thu Sep 13 09:16:47 CDT 2012, Roy Speckhardt <rspeckhardt@americanhumanistorg wrote:

It's certainly helpful to get board direction on these matters, so I'm glad the discussion was started. There's a few pieces of information that may be helpful.

1) There's a standing board Legal Committee. It's chaired by Lou Altman and includes Rob, Dave, Amanda, myself and Bill. While it leans lawyer, it includes Rob and Ito be sure to keep marketing concerns in mind.

2) While we do seek court cases to bring from time to time, most begin with a member expressing a concern and asking for our involvement. (Bill is on vacation this week, so I'm going on memory, but) I believe that was the case with this Bladensberg cross. I don't think we have been asked to participate in the Pendelton cross case, but I'm sure w'd be open to if a local plaintiff could be found.

3) We have long precedent for getting involved in this type of case. The AHA has supported the effort to remove the MT Soledad case for as long as I've been at the AHA, and probably for a decade more.

4) Most of our best work generates some negative media coverage. This is partially just a result of bias in some media outlets. It appears that the bulk of the coverage we've gotten so far for this particular case was balanced.

I agree that there's a line we shouldn't cross – no pun intended. For instance, I don't think the Ground

Zero cross (that's part of a museum) is one we should take on. I'm not sure we could come up with strict rules to explain why. After all, it's recent, it dominates the museum for the fallen. We can point to actual humanists among the dead it is supposed to memorialize. It would be ground breaking of sorts. But the net gain from a Ground Zero cross case seems to be intuitively negative. Jon Stewart's criticism of American Atheists effort here seemed accurate. And I know that some members have strong feelings on both sides of the issue so it would potentially split our support.

-- Roy

EXHIBIT 22

IN THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTHERN MARYLAND

Civil Action No. 8:14-cv-00550-DKC

AMERICAN HUMANIST ASSOCIATION, ET AL.

Plaintiffs,

v.

MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION,

Defendants,

Filed June 11, 2015

AFFIDAVIT OF EDWARD DAY IN OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT AND IN SUPPORT OF DEFENDANT, MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION'S, CROSS-MOTION FOR SUMMARY JUDGMENT

I, Edward Day, do hereby solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true, and state:

1. I am an adult over the age of 18 years and competent to testify to the matters stated herein.

2. I am authorized by the Maryland-National Capital Park and Planning Commission ("Commission") to make this affidavit.

3. I am employed with the Commission as the Acting Assistant Parks Division Chief for its Natural and Historical Resources Division within its Prince George's County Department of Parks and Recreation. I have been employed with the Commission since December 1994 and have served in this role since May 2014.

4. I am also the Director of the Commission's Riversdale House Museum which is also located in Prince George's County and have held this position since December 1994.

5. I have a bachelor's degree in organizational management and minor in history from the University of Maryland. I have also trained at the University of Maryland, Graduate School of Maryland Architecture, Planning and Preservation.

6. In my position as Acting Division Chief and Museum Director, I customarily research and document the archeological and historical significance of Commission properties, including those located in Bladensburg, Maryland.

7. I also manage the construction and installation of new monuments commemorating various events of national and local historical significance.

8. In the course of my employment with the Commission I have, in fact, obtained information pertaining to historic significance of the War of 1812, including the Battle of Bladensburg.

9. In the course of my employment with the Commission, I have also, in fact, obtained infor-

mation pertaining to historic significance of World War I, pa as it relates to the use of military weaponry and casualties.

10. I have acquired information regard-ing the Bladensburg World War I Memorial and the other Veterans Memorials located at Veteran's Memorial Park in Bladensburg, Maryland.

11. I have obtained information regard-ing the dimensions of the Memorials, located in Veteran's Memorial Park including the Bladensburg World War I Memorial, War of 1812, World War II, Pearl Harbor, the Korea and Vietnam Wars, and the tribute to those who perished on September 11, 2001.

12. I have also obtained the approximate distance to each of the other Memorials from the Bladensburg World War I Memorial.

13. The Bladensburg World War I Memorial was erecied in 1925 and stands approximately 32 feet high from the ground to the top. The horizontal arms of the Memorial are a total of approximately 15 feet. The Memorial rests upon a square concrete pedestal with each side measuring 15 feet. The Memorial plaque is 2 ½ feet by 9 feet.

14. The War of 1812 Memorial is a rectan-gular, concrete structure which was installed in 2014. It is approximately 17 feet high, 17 feet wide and 3 feet deep. It is located approximately 300 feet from the Bladensburg World War 1 Memorial.

15. The World War II Memorial has a height of 14 feet. It is a concrete structure that is approximately 10 feet wide and 4 feet deep. It was installed in 1944 and is located approximately 207 feet from the Bladensburg World War I Memorial.

16. The Pearl Harbor Memorial has a height of approximately 2 feet. It is composed of a square plaque affixed to a wooden post with each side measuring approximately .70 feet wide and .70 feet deep. I am unsure of the year of its installation but can attest that it has been situated at its present location throughout my employment with the Commission. The Pearl Harbor Memorial is located approximately 240 feet from the Bladensburg World War I Memorial.

17. The Korea and Vietnam Memorial is a single concrete structure approximately 6 feet in height. It is 14 feet wide and 4 feet deep. It is located approximately 199 feet from the Bladensburg World War I Memorial.

18. The September 11, 2001 Memorial is approximately 1 foot in height. It is a granite, arc-shaped structure 56 feet wide and located within a memorial garden approximately 269 feet from the Bladensburg World War I Memorial.

19. In 2010, I was appointed as the Commission's representative to the War of 1812/Battle of Bladensburg Commemoration Task Force.

20. The task force, appointed by the Mayor of Bladensburg, was led by the Anacostia Trails Heritage Area, Inc. and comprised of representatives from the Anacostia Watershed Society, the Port Towns CDC, Prince George's Heritage, the Friends of the Battle of Bladensburg, the Aman Memorial Trust, Prince George's County Councilwoman Harrison, representatives from the Port Towns, and the Maryland-National Capital Park and Planning Commission,

21. The War of 1812/Battle of Bladensburg Commemoration Task Force generated ideas for a variety of monuments and events to honor the 200th Anniversary of the military battle, including the creation and installation of a new monument depicting aluminum soldiers during the Battle of Bladensburg.

22. Each soldier marker will be at least 38 feet tall and will be bolted to a poured con-crete base. The soldier depicting the invading British army will he painted red and placed between the levee and the road on the east side of the northeast branch, of the Anacostia River, near the existing monuments in Veterans Memorial Park. The soldier representing the defending American forces will be painted blue and placed in the across the Anacostia River toward Washington, D.C.

23. The Commission anticipates that the Memorial depicting these soldiers will he installed by late Summer 2015.

Executed on this 10th day of June, 2015.

/s/ Edward Day
Edward Day

EXHIBIT A

OFFICE OF THE GENERAL COUNSEL
MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION

November 4, 2012.

Reply to:
Adrian R. Gardner
General Counsel
6611 Kenilworth Avenue, Suite 200
Riverdale, Maryland 20737
(301) 454-1670
(301) 454-1674 fax

Delivery Via Email Only
William J. Burgess, Esquire
Appignani Humanist Legal Center
American Humanist Association
1777 T Street, N.W.
Washington, DC 20009

Re: The Bladensburg Peace Cross

Dear Mr. Burgess:

In a follow up to our telephone conversations, this letter provides our substantive response to your correspondence dated August 22, 2012. For the reasons discussed more fully below, the Maryland-National Capital Park and Planning Commission ("Commission") does not believe its ownership of the property or war memorial known as the "Bladensburg Peace Cross" runs afoul of the Establishment

Clause or otherwise infringes upon your client's constitutional rights.

Context Is Key

Your client's complaint is grounded, ultimately, on the categorical assertion in your letter that: "It is unconstitutional for a sectarian religious symbol such as the Bladensburg Cross to be displayed on public land." In our view, you have painted this picture with too broad of a brush, because the controlling legal doctrine is far more permissive than your position admits. Whatever else is unsettled by the relevant jurisprudence, the courts universally evaluate claims under the Establishment Clause only after parsing through the particular facts and historical circumstances related to each symbol that is alleged to convey an improper religious message.[1]

Therefore, we respectfully disagree with your categorical assertion because the pertinent context and facts are "key" to separating the legally permissible from the improper, and it does not appear that your client has taken into account the historical context relevant to the Commission's ownership of the Bladensburg Peace Cross.

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[1] *See e.g. County of Allegheny v. American Civil Liberties Union Greater Pittsburgh Chapter*, 492 U.S. 573, 635, 109 S. Ct. 3086, 3123, 106 L. Ed. 2d 472 (1989) (a Jewish menorah on government property is constitutional if displayed in combination with a Christmas tree and other secular symbols that collectively demonstrate religious or cultural pluralism); *see also Van Orden v. Perry*, 545 U.S. 677, 125 S. Ct. 2854, 162 L. Ed. 2d 607 (2005) (display of the Ten Commandments on the grounds of the Texas State Capitol was held a constitutional communication of both secular and religious content).

The Bladensburg Peace Cross Property

The Bladensburg Peace Cross is situated in Prince George's County, Maryland, on a small football-shaped island of property (the "Property") consisting of about 0.33 acres. The Property functions, essentially, as a median for the complicated intersection of Maryland Route 1 (running north/south as Baltimore Avenue) and Maryland Route 450 (running east/west as Annapolis Road). Together, these roadways converge to become Bladensburg Road, which runs northeast/southwest and eventually crosses into the District of Columbia at Eastern Avenue, roughly 1.5 miles to the southeast of the Peace Cross Property. Today, the Commission maintains the Property as one component of a much larger network of public parkland and preservation areas maintained along the Anacostia River. That network now includes the

Commission's signature Bladensburg Waterfront Park, accessible on the opposite side of eastbound Route 450, immediately to the south of the Peace Cross Property.

Although we cannot yet trace every chain of title corresponding to the entire Peace Cross Property with complete precision, it is very clear nevertheless that the State of Maryland assembled various pieces of the Property over time for the purpose of constructing a safe junction to accommodate a burgeoning flow of motor vehicle traffic. In 1913, around the advent of the era of Ford's Model T, the State Roads Commission of Maryland surveyed the area surrounding the Peace Cross Property in order to acquire the space needed for roadbeds.[2] By 1919, the State was planning to construct the new "Defense Highway," connecting the Property in a pathway that would allow vehicle traffic between Annapolis and Bladensburg without requiring an excursion through Baltimore.

Later, in 1935, the General Assembly of Maryland authorized the State Roads Commission to purchase or condemn a portion of the Property that was in dispute, based on official concerns over "the traffic hazard situation at [the] junction" of — what were named then —"Defense Highway and Baltimore Boulevard."[3] The State eventually resolved this property dispute in 1957, when the Roads Commission condemned the residual property interests of

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[2] Maryland State Roads Commission (SHA), Book No. 0941 and Plat CZW (1913).

[3] 1935 Md. Laws Ch. 432.

several people who inherited those interests from a blacksmith who operated his shop decades earlier and near where the Bladensburg Peace Cross eventually was constructed.[4] After the State condemnation, the American Legion reportedly voiced concerns over the future repair and maintenance of the monument, and the Roads Commission agreed to convey the Peace Cross Property to the Commission's stewardship in 1960.[5] The American Legion apparently consented to that arrangement.

Historical Significance of the Bladensburg Peace Cross

According to the information we have reviewed, the Bladensburg Peace Cross is generally understood as a historically significant resource. Shortly after World War I ended with the Armistice in 1918, a coalition of more than a dozen civic leaders organized the "Prince George's County Memorial Committee," and that group initiated a private campaign to fund construction of the "National Defence Highway and Memorial Cross." When the committee's efforts stalled in 1922, the Peace Cross remained unfinished and was characterized by some as an eyesore. At that point, the Snyder-Farmer-Butler Post #3 of the American Legion took over the project, with permis-

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[4] Land Records, Prince George's County, Maryland, liber 2821, folio 1.

[5] Land Records, Prince George's County, Maryland, liber 2511, folio 99.

sion granted by the Commissioners of the Town of Bladensburg.[6]

The American Legion eventually was able to fund completion of the monument and organized its formal dedication on July 12, 1925. Among other reasons, some experts consider the Bladensburg Peace Cross to be a significant historical resource because it is an early example of decorative exposed aggregate concrete construction pioneered by John J. Earley — a notable artist, artisan and architect known by some as the "Man Who Made Concrete Beautiful."

Symbolism of the Peace Cross

As a threshold matter, we cannot reasonably concede your legal conclusion that the Bladensburg Peace Cross necessarily constitutes a "sectarian religious symbol." For one thing, and in a stark contrast to the scenario presented in *Trunk v. City of San Diego,*[7] the Bladensburg Peace Cross was originally and always understood to serve the secular purpose of memorializing 49 people from Prince George's County who died fighting in World War I. As you know, in the *Trunk case* — one of the precedents upon which your client now relies — the Latin cross on public

* * *

[6] Land Records, Prince George's County, Maryland, liber 421, folio 381.

[7] 629 F.3d 1099 (9th Cir. 2011), *cert. denied*, 132 S. Ct. 2535 (U.S. 2012).

EXHIBIT D

AHA'S FACEBOOK POST

* * *

https://www.facebook.com/american... The AHA's Appignani Humanist Legal

John Campolo Looks like a cross to me?

__3 - May 5 at 9:24am

Jessica Schuette It's not just non-believers. Persons of other faiths -I also list their lives. We know that the only thing that this cross is memorializing is the horrific torture and death of one man. I continuously wonder why our society tells us that we aren't allowed to put down the faith of Christians, but everyone else's faith is okay to put under fire.

14 - May 5 at 9:33am

David Mansfield I am a disabled combat Marine. I served with Muslims, Christians, atheists, even a Satanist and a Wiccan. So, why should it only represent christians? They could do something else as a memorial to the military.

29 - May 5 at 9:35am

Wilma S Cohen Brian L. Baker - It is not a matter of being "thin-skinned". No one is being disrespected except those who are excluded by the use of a Christian emblem to represent all veterans. It's a memorial on public property, paid for with public funds. It should represent ALL veterans, of every faith & no faith, not just Christians.

23 - May 5 at 9:48am

Chuck Hamilton The one thing we all are is American. Not Christian. Clear it off or turn it into an obelisk.

15 - May 5 at 9:49am

Ron Skinner My son was a soldier. He was not a christian. Why was his contribution any less valuable than anyone else's?

17 - May 5 at 10:16am

Jim Thomas Is it only for Christian veterans? If it is it belongs at some church.

11 - May 5 at 10:51am

Tina Cox I read an article recently about a proposed war memorial that contained a rifle people protested over the rifle so this is no where near as appropriate as a rifle for a war memorial

May 5 at 10:57am

Ashley Klages Why is it people are called "thin skinned" when they stand up for equality? Methinks its the other way around and the Christians are the the ones with "thin skin", else they would have no problems with something that is inclusive to all, rather than exclusive for Christians.

17 - May 5 at 11:28am

Mark Pommier Just let it go? Don't say anything? Well, then we end up with things like the Catholic pedophiles doing their nasty deeds, and christian sharia law. NO THANKS! I'm a US Army veteran, and this eyesore needs to be removed.

19 - May 5 at 11:32am

Rick Butzberger Let it go? Pick your battles? If this goes unchallenged, where do we draw the line? Should crosses be allowed on any public property? How about atop the Capitol? The White House? Oh, it's just a 'memorial' so it's okay. Not!

* * *

* * *

https://www.facebook.com/american...

The AHA's Appignani Humanist Legal...

Kyle Volkmann You have a Scottish name. You shouldknow better than to agree with attacking any any minority point if view. This group is filled with olygarchists. They are very uninformed of our political process. Almost all of our Constitution and values came from our Scottish ancestors. Without Archibald Campbell we probably never would have come into existence as a country. Scots invented most of the modern world, the first medical school and every field of medicine came from the Scots. And the money for it came from Christians, not the government, but from Scottish Christians. If you are curious " please _____ How the Scotts invented the modern world". We are a Republic, Not a Democracy. Go to wimp.com. they have a short video that will explain the various forms of government and why our foundling fathers picked a Republic. Respectfully

WIMP.COM

A collection of the best family-friendly content across the web that informs, inspires and...

May 6 at 1:38am

Susan Hammock She didn't attack. She said she liked the comments.

May 6 at 8:26pm

Dave Dyke I'm a veteran with a purple heart ... and an atheist. Guess I'm not included in those

honored since that damned cross represents what I oppose ... millennia of religious strife and killings.

4 - May 5 at 1:51pm

Don Koelling How long has the cross been there? Just now put up? Just asking.

May 5 at 1:05pm

Sam Covell This is yet another disgusting show of bullying by Christian fundamentalism to violate the separation of church and state.

2 - May 5 at 8:56pm • Edited

Kyle Volkmann This seems to be pretty vicious and condescending for a humanists to make about any group. A true Humanist is tolerant and respectful of all points of view. We may not agree with them but as humans we will respect their position. Or are you not humanist?

May 6 at 2:06am

Larry Tiffany That's coming down. Peace and religion are total oxymorons.

16 - May 5 at 7:21am

Kyle Volkmann Do you have a degree in Religion or Political Science? I wondered how you could make this statement. Your Ethnocentric perceptions seem very prejudicial and condescending. You must have at least data to support your statements otherwise what you are...

See More

May 6 at 1:16am

Larry Tiffany Another histrionic man on a quest to sound intelligent but instead bumbling on pedantic. As it is not my job to educate you in the infor-

mation age, I am sure you can easily research the calamities religion has overseen and orchestrated over the past 3000 years. One doesn't need a degree to make an observation, any moron such as me can educate themselves quite extensively in an autodidactic setting. I wager that this won't satisfy you, nor will any response, as your post was obviously intended to simply puff up your own chest and attempt to be relevant.

EXHIBIT G

THE ARMBRUSTER COMPANY, INC.
7 Court of Hidden Bay
Northbrook, Illinois 60062
(847) 835-2112 Fax (888) 317-1233

Earley Studio's Innovations Create a New Architectural Material*

John Earley unveiled the potential for use of exposed aggregate concrete as an architectural finish material. Yet, what John Earley established was not a single architectural finish, but a family of techniques to create a vast range of forms, colors and textures with concrete materials. Using innovations in production methods, he met increasing challenges with breathtaking results.

Adapting Traditional Techniques

To produce architectural concrete, John Earley began adapting traditional techniques from other architectural materials. Earley was trained as an architectural sculptor in the studio of his father, James Earley.[1] Upon his father's death in 1906, John took over the studio at the age of twenty-five.[2] The

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* *Paper presented at "John Joseph Earley: Expanding the Art and Science of Concrete" Symposium, University of Maryland, College Park, MD, March 31, 2001*

studio worked in materials such as carved stone, clay, lime and gypsum plaster, and cement stucco.

Earley Studio's initial work with concrete drew parallels from historical materials and processes. As architectural sculptors they quickly shifted their plaster based modeling and molding procedures to concrete. Captivated by the idea that a mosaic might be produced in concrete materials, the craftsmen applied their experience with traditional tesserae mosaics to concrete mosaic.[3] The Studio brushed back the mortar to expose the pebbles in this new material that was cast within forms.[4]

* * *

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Northbrook, Illinois 60062
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* * *

aggregates for a refined appearance.[52] This process was protected by Earley's second patent.[53] After casting the concrete into molds Earley extracted its excess water. This permitted removal of the molds and exposure of the aggregate at the most opportune time.[54] Earley Studio continued to work with contractor Chas. H. Tompkins Co. to complete portions of the Park in later years.[55]

When building the East Potomac Park Field House in 1920, Earley Studio combined cast-in-place concrete, large precast components, thin precast elements and hand-applied stucco to economically create a uniform architectural finish.[56] To eliminate the tedious job of touching up the plaster molds after each casting of concrete, Earley started to use a thin metal lining within the molds to make them more durable. These linings were so effective that all of the column capitals were cast in one set of molds.[57] Earley received his third patent for molds.[58]

Lorado Taft's monumental sculpture for the Fountain of Time presented the Studio with an unprecedented challenge in 1922. The work required a 4,500-piece mold, the largest ever made.[59] To cast the gigantic, 120 foot-long sculpture Earley had to control the water-cement ratio inside a completely closed

mold at the time of set. He moved his method to extract excess water into the mold itself by using an absorptive core. With this innovation the concrete did not shrink away from the mold but hardened with strong, sharp relief in the surface details.[60]

During the same year, 1922, Earley introduced polychrome concrete with multi-colored aggregate in concrete mosaics for the Shrine of the Sacred Heart Church. The Studio applied the polychrome mosaics in a wet process on the walls by using squeeze molds to create ridges in the underlying brown coat. The ridges separated different colored concrete mixes placed by the craftsmen.[61] The Studio refined their technique with precast polychrome mosaics by using raised contour lines on the mold's surface to separate the many colors placed during a single casting.[62] Earley Studio also began to incorporate small precast polychrome concrete pieces into larger precast components such as column capitals. John Earley had invented a way to create concrete with colored patterns.

In 1925, Earley Studio implemented production techniques to completely separate the architectural finish from the supporting structural materials. For the Louisiana State University buildings, Earley imported his high quality aggregate and then trained local craftsmen to apply an architectural finish of exposed aggregate stucco on top of a rough masonry structure built by modestly skilled labor.[63]

Earley continued the separation of finish from structure in the Parthenon replica at Nashville, Tennessee in 1925. Once again he imported high quality aggregates and trained local craftsmen to apply exposed aggregate stucco onto masonry surfac-

es. Earley introduced another new production technique when he used permanent, porous forms of cement stucco on the interior side of the cast-in-place columns and entablature.[64]

By 1927, John Earley had perfected his "adjusted slump and mix" casting method using variable amounts of water in the concrete mixes within a single concrete component.[65] This enabled the concrete to completely fill more intricate shapes in the molds.[66]

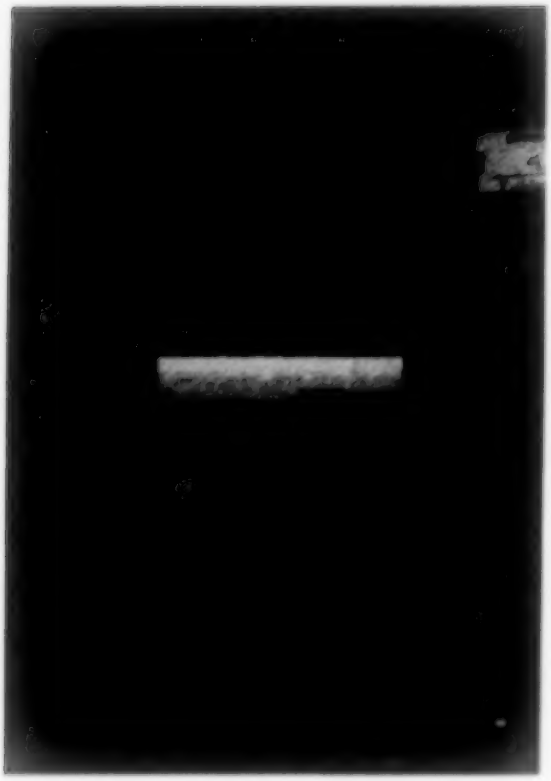
The entrance to the Reptile House in the National Zoological Park demonstrates superlative control of concrete mosaics with intricate three-dimensional shapes. In just five years since they invented polychrome concrete for the Shrine of the Sacred Heart, Earley Studio had achieved astounding effects with this new architectural material. Not only were the craftsmen creating fine distinctions between different fields of color, but also within a single field they were combining sands and aggregates of many colors to create subtle variations of hues.

The dome for the Baha'i House of Worship presented both an opportunity and a set of new challenges. In John Earley's words, "The character of the work was such that one major technical development was not sufficient to meet all requirements. Many minor improvements and ingenious devices were also needed."[67] In solving the numerous

* * *

EXHIBIT A

EXHIBITS FROM DEPOSITION OF
G. KURT PIEHLER



gettyimages

1553

EXHIBIT D

UNITED METHODIST
CHURCH OF HYATTSVILLE

The History of First United Methodist Church of Hyattsville

In the beginning, worship was held in homes. The earliest we know of was that of Shadrick and Sarah Tumer "near Bladensburg," (actually six miles away, just west of present day Greenbelt). There is a sign marking the "Methodist Preaching Place," site of the Turner farm, which is located on the west side of Kenilworth Avenue just outside the beltway.

In 1776, Rev. Thomas Rankin, one of John Wesley's missionaries to America, held a Quarterly Meeting of the Frederick Circuit at Tuner's; Rankin said "Our love feast began at 10, never to be forgotten." Francis Asbury came to the Turner home in 1777, "met the brethren of the Frederick Quarterly Meeting, where we were favored with the divine blessing." Seven more times Asbury came to Turner's. He called Shadrick his friend and recorded, "here are five children and a mother for Christ and for usefulness." The date 1777 is scribed in the stone over our Memorial Table.

In 1793, the Bladensburg Methodist Episcopal Church was admitted to membership in the Baltimore Conference, limiting several small congregations in the Bladensburg area which has been meeting in private homes in the area since 1760. Our

church then, with a heritage that antedates the American Revolution, can properly be regarded as one of the oldest Methodist churches in America.

By 1800, the church had built its first sanctuary - a building located at what is now Annapolis Road and 46th Street in Bladensburg. This building, which in no longer in existence, served the church until 1859, when, using stones from the first structure, a new building was erected on Baltimore Avenue, then known as Water Street, just north of the present Peace Cross. This church building, later known as "Dent Chapel," continued to stand until the 1960s when, in an advanced state of deterioration, it was destroyed by fire.

However, times were difficult, both for the nation and for the Methodist Church. In 1860, the Methodist Church adopted what was known as "The New Chapter" at its General Conference. Under this Chapter, anyone who owned a slave could not be considered a member.

The "New Chapter" gave rise to disputes within the Bladensburg congregation, and in 1862 that body of members refusing to adhere to the non-slaveholding rule was dispossessed. Those members accepting the Chapter retained possession of the church building, leaving the dissenters, who were the forefathers of our present church, without a sanctuary and literally churchless. For a period of four years, from 1862 to 1866 both congregations, one with N01ihem sympathies, the other, our ancestor body, with Southern, functioned under the same name.

The latter group built, in 1863, its third sanctuary on what was then Sand Street (now 48th Street at Annapolis Road) in Bladensburg. Expanding in spite

of these years of difficulty, our congregation outgrew the Sand Street Sanctuary, and by 1868 work was underway on the construction of a new, larger building on Locust Avenue (presently 42nd Place) in Hyattsville. This building became the church of the Hyatt family, the founders of the city of Hyattsville.

With the move to Locust Avenue, our church became known as the First Methodist Episcopal Church, South, of Hyattsville.

By 1907, a committee was appointed "to consider the advisability of securing a lot for a new church building in Hyattsville." By 1916 the move to acquire new church property was well underway and by the summer of 1923 work on the basement portion of our fifth church building had been largely completed. For the next 11 years this basement church was to serve as the home of First Methodist. The building is located at the corner of Hamilton Street and Baltimore Avenue. After years of planning, through the worst of the depression, the completed sanctuary was consecrated on Sunday, April 15, 1934. In 1939, the long awaited unification of the three major branches of Methodism took place and we assumed the name of the First Methodist Church of Hyattsville. In 1951, a modern Education Building was erected behind the sanctuary.

During the 15 year period beginning in 1942, First Methodist played a key role in development of a number of new Methodist churches within its original parish. The four new churches were Ager Road, University, Greenbelt (now Mowatt) and Christ Church, Landover.

In March, 1956, the Official Board of the church authorized the purchase of the 8.2 acre tract from

the Heurich holdings at Queens Chapel and Queensbury Roads and in May 1962 we moved into our present building. Two additions have been made since that time, an extension of the education wing and a Moeller pipe organ. In the spring of 1968, with the unification of the Methodist Church and the Evangelical United Brethren our name changed again and we are now First United Methodist Church.

We have a Meals on Wheels program which serves about 60 people in the Hyattsville, Riverdale, Mt. Rainier areas. We also have Shalom School...After School for the Arts, which provides a safe after school environment for elementary age children and gives them the opportunity to participate in various classes, such as: tap, ballet, African dance, African drumming, steel drum, art, their families might not be able to afford otherwise.

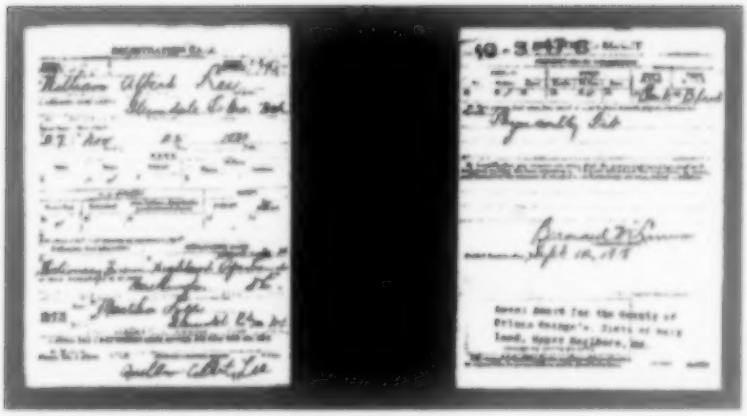
First Church is 215 years old.
We have been at this site since 1962.
Our membership is just under 1200.

EXHIBIT E

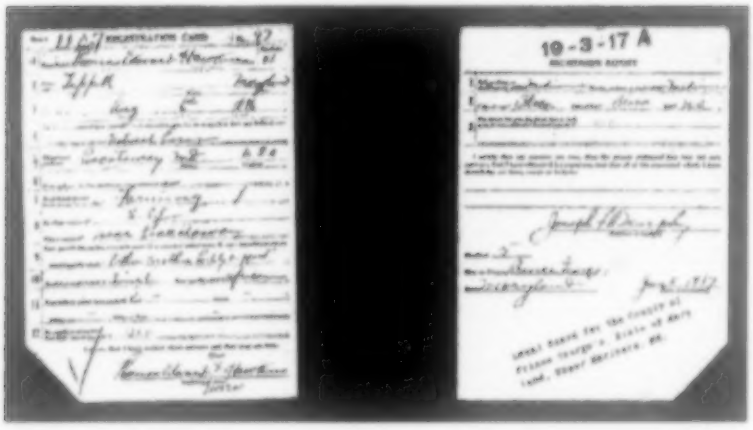
BIOGRAPHICAL SHEETS AND
DRAFT CARDS FOR AFRICAN AMERICAN SOLDIERS,
SAILORS, AND MARINES HONORED ON BLADENSBURG
WORLD WAR I VETERANS MEMORIAL, EXCERPTED FROM
Maryland in the World War 1917-1919 Military and Naval Service Records, Vol. I & II,
Prince Georges' County

Name: Benjamin Eugene Thompson
Star: died in World War service under honorable conditions.
Race: colored
Address: Upper Marlboro, Prince Georges Co.
Birth Place: Charles Co., Md.
Birth Date: 11 Feb 1894
Comment: Ind 8/2/18 pvt, Co A 426 Res Lab Bn, Died broncho pneumonia 10/1 3/18 Camp Sevier S.C.
Maryland in the World War 1917-1919 Military and Naval Service Records In Two Volumes and Case of Maps Volume II

Death: died of disease
Name: Benjamin Eugene Thompson
Rank: Pvt
Division: Army
Comment: colored
Maryland in the World War 1917-1919; Military and Naval Service Record. Volumes I & II Prince Georges County



Death: killed in action
Name: William Lee
Rank: Pvt
Division: Army
Comment: colored
Maryland in the World War 1917-1919: Military and Naval Service Records, Volumes I & 11 Prince Georges County



Name: Thomas Edward Hawkins
Star: died in World War service under honorable conditions.
Race: colored
Address: Tippett, Prince Georges Co.
Birth Place: Piscataway, Md.
Birth Date: 05 Aug 1896
Comment: Ind 6/19/18 pvt, 45 Co 154 Dep Brig; Co A 333 Lab Bn 7/16/18, Overseas 8/31/18 to death, Died lobar pneumonia 9/26/18
Maryland in the World W. ar 1917-1919; Military and Naval Service Records. Volumes I & II
Serbian
Order of St. Sava

Death: died of disease
Name: Thomas Edward Hawkins
Rank: Pvt
Division: Army
Comment: colored
Maryland in the World War 1917-1919; Military and Naval Service Records, Volumes I & 11 Prince Georges County

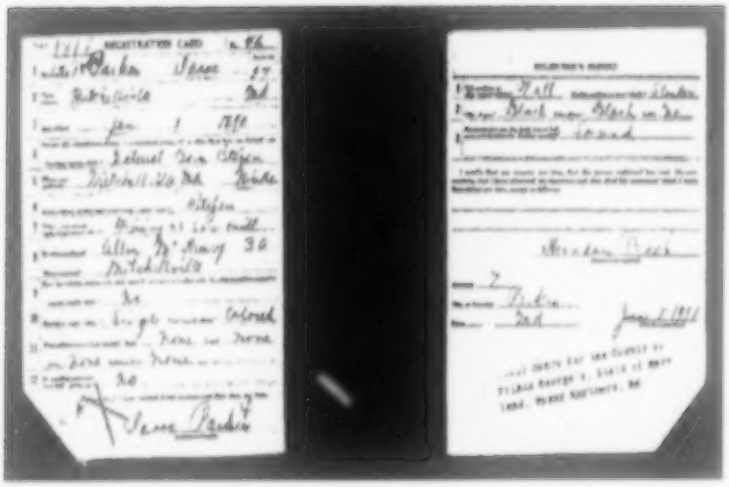
Name: John A. Sprigg
Star: died in World War service under honorable conditions.
Race: colored
Address: Forestville, Prince Georges Co.
Birth Place: Rosaryville, Md.
Birth Date: 19 May 1897
Comment: In d 9/26118 pvt, 16 Co 4 Tng Bn 154 Dep Br ig, Died bronchopneumonia 10/9/18 Camp Meade Md.

Death: died of disease
Name: John A Sprigg
Rank: Pvt
Division: Army
Comment: colored
Maryland in the World War 1917-1919; Military and Navy Service Records, Volumes I & 11 Prince Georges County

Name: James H Cooper
Star: died in World War service under honorable conditions.
Race: colored
Address: Aquasco, Prince Georges Co.
Birth Place: Malcolm, Md.
Birth Date: 15 Mar 1897
Comment: Ind 9/1118 pvt, 56 Co 153 Dep Brig; CoL 811 Pi on Inf 9/14/18, Died pneumonia 10/5/18 Camp Dix N.J.
Maryland in the World War 1917-1919; Military and Naval Service Records, Volumes1&11
Serbian
Order of St. Sava

1563

Death: died of disease
Name: James H Cooper
Rank: Pvt
Division: Army
Comment: colored
Maryland in the World War 1917-19 19; Military and Naval Service Records, Volumes I & II Prince Georges County

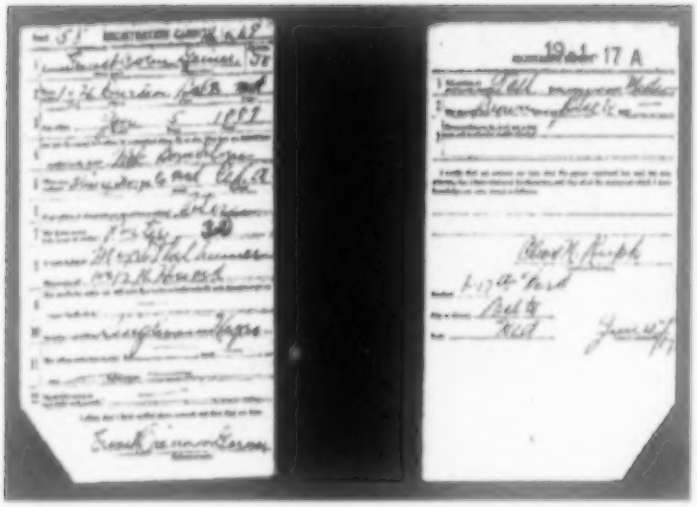


Name: Isaac Parker
Star: died in World War service under honorable conditions.
Race: colored
Address: Mitchellville, Prince Georges Co.
Birth Place: Mitchellville, Md.
Birth Date: 31 Dec 1891
Comment: Ind 10/30/17 pvt, Btry F 351 FA, Overseas 6/19/18 to death, Died tuberculosis 8/8/18
Maryland in the World War 1917-1919 Military and Naval Service Records in Two Volumes and Case of Maps Volume II

Death: died of disease
Name: Isaac Parker
Rank: Pvt
Division: Army
Comment: colored
Maryland in the World War 1917-1919; Military and Naval Service Records, Volumes I & II Prince Georges County

Name: Frank Holmes
Star: died in World War service under honorable conditions.
Race: colored
Address: 53 S. Stokin St., Baltimore
Birth Place: Washington, D.C.
Birth Date: 28 Apr 1888
Comment: Ind Washington D.C. 8/2/18 pvt, 6 Co ProvDepBn Camp Sevier S.C.; Co A 426 Res Lab Bn 9/5/18, Died lobar pneumonia 10/2/18 Camp Sevier S.C.
Maryland in the World War 1917-1919; Military and Naval Service Records. Volumes 1 & 11
Serbian
Order of St. Sava

Death: died of disease
Name: Frank Holmes
Rank: Pvt
Division: Army
Comment: colored
Maryland in the World War 1917-1919; Military and Naval Service Records, Volumes 1 & 11 Baltimore City



Death: died of disease
Name: Ernest Ovevion Garner
Rank: Mess Atdt 3c **Division:** Navy
Comment: colored
Maryland in the World War 1917-1919: Military and Naval Service Records. Volumes I & II Prince Georges County

Name: Ernest Ovevion Garner
Star: died in World War service under honorable conditions.
Race: colored
Address: Naylor, Prince Georges Co.
Birth Place: Pri nce Georges Co., Md.
Age: 30 yrs 10 mos
Comment: USN 11/26/17 mess atdt 3c, Recg Ship Norfolk Va.; USS Hunt ington 12/10/17; Naval Hosp New York N. Y. 1/18/18, Died pneumonia 1/22/18 New York N. Y.

Maryland in the World War 19/17-1919; Military and Naval Service Records; Volumes 1 & 11
Serbian
Order of St. Sava

Name: Elmer W Thomas
Star: died in World War service under honorable conditions.
Race: colored
Address: Charlotte Hall, St. Marys Co.
Birth Place: Charlotte Hall, Md.
Birth Date: 18 Jun 1896
Comment: Ind Prince Georges Co. 9/26118 pvt, 16 Co 4 TngBn 154 Dep Brig, Died broncho pneumonia 10/19/18 Camp Meade Md.
Maryland in the World War 1917-1919 Military and Naval Service Records in Two Volumes and Case of Maps Volume II

Death: died of disease
Name: Elmer W Thomas
Rank: Pvt
Division: Army
Comment: colored
Maryland in the World War 1917-1919; Military and Naval Service Record. Volumes I & II St. Marys County

Name: Clarence Butler
Star: died in World War service under honorable conditions.
Race: colored
Address: Nottingham, Prince Georges Co.
Birth Place: Nottingham, Md.
Birth Date: 14 Apr 1896
Comment: Ind 8/2/18 pvt, 4 Co ProvDepBn Camp Sevier S.C.; CoD 426 Res Lab Bn, Died broncho-pneumonia 10/6/18 Camp Sevier S.C.
Maryland in the World War 1917-1919; Military and Naval Service Records. Volumes 1& 11
Serbian
Order of St. Sava

Death: died of disease
Name: Clarence Butler
Rank: Pvt
Division: Army
Comment: colored
Maryland in the World War 1917-1919; Military and Naval Service Records. Volumes I & 11Prince Georges County

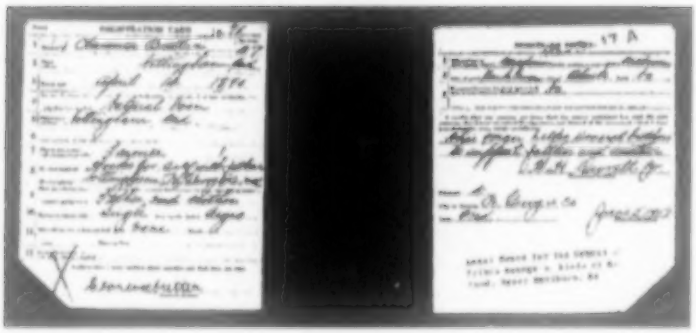


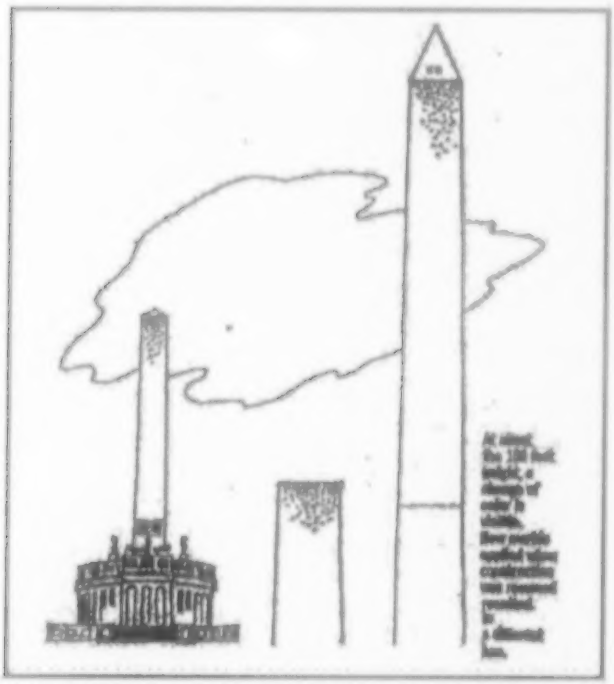
EXHIBIT F

THE WASHINGTON MONUMENT

BY

DR. CATHERINE MILLARD

WILLIAM HOWARD TAFT, PRESIDENT,
UNITED STATES OF AMERICA:
LAUS DEO — "PRAISE BE TO GOD!"



The Washington Monument's first stages of Construction. © by Catherine Millard.

...with its stately simplicity...it is fitting that the aluminum tip that caps it should bear the phrase "Laus Deo."

On the aluminum cap atop the Washington Monument are inscribed the words Laus Deo, that is to say, "Praise be to God!"

At a height of 555-feet, 5 and one eighth-inches, the monument to the father of this nation overlooks the 69 square miles which comprise the District of Columbia, capital of the United States of America. Made of marble and granite, it is the tallest stone structure in the world, and very stable, only swaying one-eighth of an inch in a 30-mile wind. It has settled a mere 2 inches in thirty years. Walls 18 inches in thickness at the top broaden to 15 feet at the bottom.

Resolution of the Continental Congress

The Continental Congress, on the 7th day of August, A.D. 1783, unanimously resolved (ten States being represented): "That an equestrian statue of George Washington be erected at the place where the residence of Congress shall be established in honor of George Washington, the illustrious Commander-in-Chief of the armies of the United States of America, during the war which vindicated and secured their liberty, sovereignty and independence."

On December 19, 1799, the day after the mortal remains of George Washington had been committed to the tomb at Mount Vernon, a committee of both Houses of Congress was appointed "to report measures suitable to the occasion and expression of the profound sorrow with which Congress is penetrated on the loss of a citizen first in war, first in peace and first in the hearts of his countrymen."

In pursuance of the foregoing resolution, both House of Congress passed the following resolution on December 24, 1799: "That a marble monument be erected by the United States in the capitol, at the

City of Washington, and that the family of General Washington be requested to permit his body to be deposited under it, and that the monument be so designed as to commemorate the great events of his military and political life."

President John Adams was authorized to correspond with Mrs. Washington, asking her to consent to the removal and interment of her husband's remains beneath a monument, to be erected by the government in the Capitol.

Martha Washington's Letter

Mrs. Washington consented in the following beautiful words:

> "Taught by the great example I have so long had before me, never to oppose my private wishes to the public will, I must consent to the request of Congress which you had the goodness to transmit to me; and in doing this I need not — I cannot — say what a sacrifice of individual feeling I make to a sense of public duty."

Congress again made an application in 1852 to the proprietors of Mount Vernon for the removal and deposit of the remains of Washington in the Capitol, in conformity with the Resolution of 1799. The Legislature of Virginia protested against the movement and John A. Washington declined the proposal.

In the advertisements inviting designs for the Monument from American artists, it was recommended that they should "harmoniously blend durability, simplicity and grandeur."

Design of the Washington Monument

The design originally selected for the Monument was that submitted by Robert Mills, comprising, in its main features, a vast stylobate, surmounted by a tetrastyle; circular in form, and with a shaft 600 feet high rising from the center.

Laying of the Cornerstone

When the cornerstone of the Washington Monument was laid on Independence Day, 1848, deposited within its recess were many items and documents of value. Among these are: a copy of the Holy Bible, presented by the American Bible Society, instituted in 1816; an American silk flag; the coat of arms of the Washington family; copies of the Declaration of Independence and U.S. Constitution; United States Presidents' messages to date of cornerstone laying; likenesses of all presidents and their inaugural addresses to same date; a portrait of Washington taken from Gilbert Stuart's famous painting; and daguerreotype likenesses of General and Mrs. Washington.

The inscription on the copper plate covering the deposit recess of the cornerstone reads:

> 4th July, 1776. Declaration of Independence of the United States of America.
>
> 4th July, 1848. This cornerstone laid of a Monument by the people of the United States to the Memory of George Washington.

Construction began on July 4, 1848, with President James Knox Polk presiding at the laying of the cornerstone, in accordance with the decision of the National Monument Society. The event took place in the presence of the members of the legislative and

judicial branches of the government, foreign ministers and officers, and a vast concourse of citizens from all sections of the Union.

An interval of almost 25 years ensued before the completion of the obelisk, which accounts for a slight change of color at a height of 150 feet. Stone continued to be quarried from the original site outside Baltimore, Maryland; but after a lapse of more than 20 years the level of stone had dropped, thus accounting for its change in hue. The monument is made up entirely of marble and granite with no steel shafts as interior support whatever. Its unique simplicity is enhanced by 50 United States flags proudly encircling the base, each one representing of the 50 states in the Union.

Dedication of Washington Monument

On February 21, 1885, the Washington Monument was dedicated. Senator Sherman in the course of his oration, said:

> The Monument speaks for itself, - simple in form, admirable in proportions, composed of enduring marble and granite, resting upon foundations broad and deep, it rises into the skies higher than any work of human art. It is the most imposing, costly, and appropriate monument ever to be erected in the honor of one man.

Prayer was offered by the Reverend Henderson Suter, Rector of Christ Episcopal Church, Alexandria, Virginia, where Washington worshipped Almighty God. This beautiful prayer of dedication is hereunder reprinted in its entirety:

PRAYER

1575

AT THE DEDICATION OF THE WASHINGTON MONUMENT

-By-

Rev. Henderson Suter, Rector of Christ Church,

ALEXANDRIA, VA., FEB. 21, 1885.

Almighty God, Ruler of nations and of men, by whose providence our fathers were led to this goodly land — and by whom they were guided and sustained in their efforts to secure their liberties, accept, this day, the grateful homage of us, the inheritors of their well-earned rights.

Them and their leaders Thou didst choose. With courage and patriotism Thou didst inspire all; but, we today, while unmindful of none, are specially called to acknowledge as Thy gift, George Washington.

In honor of him, Thy servant, the nation of Thy planting and of his thought and prayers, has built this monument, and we, today, in that nation's behalf, speak to his God and ours, in prayer and thanks.

As we stand beneath the lofty height of this memorial work, and mark the symmetry of its form, we would remember Washington's high character, and all the virtues which, in him, builded up the man.

A leader fearing God; a patriot unstained by self; a statesman wishing only the right, he has left us an example for whose following, we supplicate thy help, for ourselves and for all who are now, and shall hereafter be, the instruments of Thy providence to this land and nation.

In so far as he followed the inspirations of wisdom and of virtue, may we follow him and may his character be to the latest generation, a model for the soldier, for the civilian and for the man, - that, in our armies may be trust in God, in our civilians integrity, and among our people, that home life which exhorteth praise; and so, all those blessings which he coveted for his people and his kin, be the heritage of us and of our children, forever.

O God the high and mighty Ruler of the Universe, bless to-day, and henceforth, Thy servant the President of the United States and all others in authority.

To our Congress ever give wisdom. Direct and prosper all their consultations. May our judges be able men, such as fear God, men of truth — governed in judgment only by the laws. May our juries by incorruptible, ever mindful of the solemnity of the oath, and of the great interests depending on its keeping. May no magistrate, or officer, having rights to maintain or order to secure, ever "wrest the judgment of the poor," or favor the rich man in his cause.

O God, throughout our land, let amity continually reign. Bind ever the one part, to the other part. Heal every wound, opened by human frailty, or by human wrong. Let the feeling of brotherhood have the mastery over all selfish ends, that with one mind and one heart, the North and the South and the East and the West, may seek the good of the common country, and work out that destiny, which has been allotted us among the nations of the earth.

Merciful Father, from whom "all good thoughts and good desires come," let the principles of religion and virtue find firm root, and grow among our people. May they heed the words of their own Washington

and never "indulge the supposition, that morality can be maintained without religion," or forget that "to political prosperity, religion and morality are indispensable supports." Deepen in them reverence for Thy character. Impress a sense of Thy power. Create a desire for Thy favor, and let it be realized that man's highest honor, is to be a servant of God, and that to fear Him and keep his commandments, is our whole duty.

O God, in all our relations with the nations of the earth, let honor and justice rule us. May their wisdom be our guide and our good their choice. Emulative only in the high purpose of bettering the condition of man, may they and we dwell together in unity and concord.

Bless all efforts to widen the sphere of knowledge, that true wisdom may be garnered by our people and nature yield her secrets for man's good and Thy glory.

In all our seminaries of learning —our schools and colleges —may men arise, who shall be able to hand down to the generations following all that time has given.

And look upon our land. Give us the rain and the fruitful season. Let no blight fall upon the tree — no disease upon the cattle — no pestilence upon man.

To honor Thee, O God, we they day yield our homage and offer our praise. Our Fathers "cried unto Thee and were delivered." "They trusted in Thee and were not confounded." - and we, their children, gathered by this monument, to-day, the silent reminder of Thy gifts, ask Thy blessing, 0 ruler of nations and men, in the name of Him through whom Thou has taught us to pray, and, may no private or

public sins cause Thee to hind thy face from us; but from them, turn Thou us, and in our repentance, forgive.

To our prayers, we add our thanks, our thanks for mercies many and manifold. Thou didst not set Thy love upon us, and choose us because we were more in number than any people, but because Thou wouldst raise us up to be an asylum for the oppressed, and for a light to those in darkness living. For this great honor, 0 God, we thank Thee.

Not for our righteousness hast Thou upheld us hitherto, and saved from those evils which wreck the nations; but, because Thou hadst a favor unto us. For this great mercy, 0 God, we thank Thee.

Not solely through man's wisdom have the great principles of human liberty been embodied for our government, and every man become the peer of his fellow man before the law; but, because Thou hast ordered it. For this great mercy, 0 God, we thank Thee.

And now our Father, let this assembly, the representatives of thousands whom thou hast blessed, go hence, to-day, their duty done, joyful and glad of heart, for all the goodness that the Lord hath done for this great nation.

And for the generations to come — yet unborn — may this monument which we dedicate, today, to the memory of George Washington, stand as a witness for those virtues and that patriotism, which lived, shall secure for them Liberty and Union forever.

Amen.

President Chester Arthur, a member of St. John's Episcopal Church on Lafayette Square ("the

Church of the Presidents"), accepted the Monument, making a short dedicatory address, after which a procession formed and moved to the Capitol Here orations were delivered by Robert C. Winthrop of Massachusetts, and John W. Daniel, Senator of Virginia. After the benedictions had been pronounced, the President of the United States and member of the Supreme Court, and invited guests retired from the hall at 5 o'clock. A beautiful verse was composed for this auspicious occasion:

Yonder shaft,
Which States and people piled the stones upon,
That from its top the very winds might waft
To distant shores the name of Washington.

Inauguration of Washington Monument

October 9, 1888, marked the official inauguration and opening of this monument to the public. An original steam elevator took 15 minutes to reach the top, whereas the present electric one reaches the summit in a mere 70 seconds. A panoramic view of the city can be enjoyed at this elevation in height, with maps and sketches outlining each segment of the capital. Pierre Charles l'Enfant's original plan in operation is thus clearly seen. From this vantage point, a perfect cross can be traced over the Capital City, with the White House to the north; the Jefferson Memorial to the south; the Capitol to the east and the Lincoln Memorial to the west.

Memorial Stones of the Washington Monument

There are 898 steps and 50 landings within the Washington Monument. Of the 190 memorial stones inserted within its inner staircase walls, numerous glorify God in word and deed; many others extolling the Declaration of Independence and U.S. Constitu-

tion. These have, most unfortunately, been barred from public access since the early 1980's by the Department of Interior, National Park Service — to the detriment of millions of U.S. History students — lovers of their original history:

On the First Landing (30 feet high), is inscribed:

Stone no. 5: *Delaware*. First to adopt, will be the last to desert the Constitution.

The Second Landing (10 feet high) bears these words:

Stone no. 7: Presented by the Columbia Typographical Society, Instituted January, 1815, "As a memento of the veneration of its members for the father of his country."

Stone no. 10: *Alabama*. A Union of Equality as adjusted by the Constitution.

Stone no. 11: *The State of Louisiana*. Ever faithful to the Constitution and the Union.

The Third Landing (50 feet high):

Stone no. 18: *Indiana* knows no North, no South, nothing but the Union.

The Fifth Landing (70 feet high):

Stone no. 25: Presented by the Grand Division, Sons of Temperance, *State of Virginia*. 1850. Hand in Hand Union.

Stone no. 26: "God and our Native Land." United Sons of America. Instituted, 1845. *Pennsylvania*. "Usque ad Mortem" "Lente Caute Firme."

Stone no. 27: Grand Division, Sons of Temperance, *North Carolina*. "Love, Purity, Fidelity."

The Sixth Landing (80 feet high):

Stone no. 34: *Maryland*. The Memorial of Her Regard for the Father of His Country and of her Cordial, Habitual and Immovable attachment to the American Union. "Crescite et Multiplicamini."

Stone no. 35: The City of Washington to its Founder.

Stone no. 36: *Virginia* who gave Washington to America gives this Granite for his Monument.

The Seventh Landing (90 feet high):

Stone no. 40: *The State of Mississippi* to the Father of his country. A.D. 1850.

Stone no. 42: The Tribute of *Missouri*. To the Memory of Washington and a Pledge of her fidelity to the Union of the States.

The Eighth Landing (100 feet high):

Stone no. 46: "Hope." *Rhode Island*.

Stone no. 47: *North Carol*ina. Declaration of Independence. Mecklenburg, May, 1775.

Stone no. 48: *Wisconsin*. Admitted May 29, 1848.

The Ninth Landing (110 feet high):

Stone no. 53: *Iowa*. Her Affections, like the Rivers of her Borders, Flow to an inseparable Union.

The Tenth Landing (120 feet high):

Stone no. 59: *California*. Youngest sister of the Union brings her Golden Tribute to the Memory of its Father.

The Eleventh Landing (130 feet high):

Stone no. 67: From the Alumni of Washington College, at Lexington, *Virginia*. The only College endowed by the father of his Country.

Stone no. 68: From the Grand Division, Sons of Temperance, *State of Connecticut*. A Tribute to the Memory of Washington. "Love, Purity, Fidelity."

The Twelfth Landing (140 feet high):

Stone no. 80: Annc 1850. By the City of Baltimore. May Heaven to this Union continue its Beneficence; May Brotherly Affection with Union be Perpetual; May the Free Constitution which is the work of our ancestors be sacredly maintained and its Administration be Stamped with Wisdom and Virtue.

The Fourteenth Landing (160 feet high):

Stone no. 84: *New York*. "Excelsior."

The Fifteenth Landing (170 feet high):

Stone no. 89: *Vermont*. "Freedom and Unity."

The Sixteenth Landing (180 feet high):

Stone no. 95: Liberty, Independence, Virtue." *Pennsylvania*. (Founded 1681). By Deeds of Peace.

Stone no. 98: The Surest Safeguard of the Liberty of our Country —Total Abstinence from all that Intoxicates. Sons of Temperance of *Pennsylvania*.

The Seventeenth Landing (190 feet high):

Stone no. 100: To the Memory of Washington. *The Free Swiss Confederation* MDCCCLII.

Stone no. 101: *Greece*. (Greek inscription translated): "George Washington, the Hero, the Citizen of the New and Illustrious Liberty. The Land of Solon, Themistocles and Pericles — the Mother of Ancient Liberty — Sends this Ancient Stone as a Testimony of Honor and Admiration from the Parthenon."

Stone no. 102: *Siam*.

Stone no. 103: *Brazil*, 1878.

Stone no. 104: (Translation) "To Washington, the Great, Good and Just, by friendly *BREMEN*."

Stone no. 106: Presented by the Governor and Commune of the Islands of Paros and Noxos, *Grecian Archipelago*.

The Eighteenth Landing (200 feet high):

Stone no. 107: From the Templars of Honor and Temperance. Organized Dec. 5th 1845. "Truth, Love, Purity and Fidelity." Our Pledge: "We will not make, buy, sell or use as a beverage, any spirituous or malt

liquors, wine, cider, or any other alcoholic liquor, and we will discountenance their manufacture, traffic and use, and this pledge we will maintain unto the end of life." Supreme Council of the Templars of Honor and Temperance. 1846.

The Nineteenth Landing (210 feet high):

Stone no. 116: Grand Division of *Ohio*, Sons of Temperance, "Love, Purity and Fidelity."

Stone no. 117: Presented by the Grand Division on behalf of the Sons of Temperance of Illinois, January 1st, 1855. Grand Division, *State of Illinois*, Sons of Temperance. Inst. Jan. 8, 1847.

Stone no. 121: *Kansas*. Kansas Territory, organized May 20, 1851. State admitted January 29, 1861.

The Twentieth Landing (220 feet high):

Stone no. 122: All for our Country. *Nevada*, 1881.

Stone no. 123: *Nebraska's* Tribute "Equality before the Law."

Stone no. 124: (Chinese inscription translated): *China*. "Su-Ki-Yu, by Imperial appointment, Lieut. Governor of the Province of Fuh Kun, in his universal geography says: It is evident that Washington was a remarkable man. In devising plans, he was more decided than Chin-Shing or Wu-Kwang; in winning a country, he was braver than Tsau-Tsau or Lin-Pi. Wielding his four-footed falchion, he extended the frontiers thousands of miles, and then refused to usurp the regal dignity, or transmit to his posterity, but first established rules for an elective administra-

tion. Where in the world can be found such a public spirit? Truly, the sentiments of the three dynasties have all at once unexpectedly appeared in our day. In ruling the state, he promoted and fostered good customs, and did not depend on military merit. In this he differed from all other nations. I have seen his portrait, his air and form are grand and imposing in a remarkable degree. Ah, who would not call him a hero? The United States of America regard it promotive of national virtue generally and extensively neither to establish titles of nobility and royalty nor to conform to the age, as respects customs and public influence, but instead deliver over their own public deliberations and inventions so that the like of such a nation, one so remarkable does not exist in ancient or modern times. Among the people of the Great West can any man, in ancient or modern times, fail to pronounce Washington peerless? This Stone is Presented by a Company of Christians and engraved at Ningpu...*China*...the Reign of the Emperor Heen Fung."...(July 12th, 1853) Stone no. 126: Tribute of Wyoming Territory. "To the Memory of him who by Universal consent was Chief among the Founders of the Republic."

Stone no. 127: Holiness to the Lord.

Stone no. 131: State of Oregon. The Union.

The Twenty-first Landing (230 feet high):

Stone no. 133: Under the Auspices of Heaven and the Precepts of Washington, *Kentucky* will be the last to give up the Union. "United we stand, divided we fall."

Stone no. 134: *Georgia* Convention 1850. "Wisdom, Justice, Moderation."

Stone no. 137: *Tennessee*. "The Federal Union, it must be Preserved."

The Twenty-second Landing (240 feet high):

Stone no. 139: The General Assembly of the Presbyterian Church in the United States of America in session in Washington City. May, 1859.

The Twenty-fourth Landing (260 feet high):

Stone no. 156: The Memory of the Just is Blessed. Proverbs 10:7. Presented by the Children of the Sunday Schools of Methodist Episcopal Church, in the City of New York, Feb. 22, '55.

Stone no. 158: From the Sabbath School Children of the Methodist E. Church in the City and Districts of Philadelphia, 4th July, 1853. A Preached Gospel. A Free Press. Washington. We revere his Memory. "Search the Scriptures." "Suffer little children to come unto Me and forbid them not, for of such is the Kingdom of God. Luke XVIII:16. Train up a child in the way he should go, and when he is old, he will not depart from it. Proverbs XXII:6.

Stone no. 160: By the Pupils of the Public Schools of the City of Baltimore. A.D. MDCCCLI.

One of the stones contributed to the **Washington Monument** was a block of marble from the Temple of Concord at Rome, and was a gift of the pope. It bore the inscription "Rome to America." In March 1854, the lapidarium, where the memorial blocks

were kept, was forcibly entered, and this stone was taken and thrown into the Potomac River.

(Excerpted from, *The Christian Heritage of our Nation — Ten National Memorials* © 1998; 2012 by Catherine Millard)

EXHIBIT G

DEPARTMENT OF THE ARMY
DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER
AND PRESIDIO OF MONTEREY
MONTEREY, CALIFORNIA 93944

REPLY TO ATTENTION OF
ATZP-CDR

APR 18, 2008

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy on Public Prayers at Official Functions

1. References.

a. The Constitution of the United States, Amendment I.

b. AR 165-1, Chaplain Activities in the United States Army, 25 March 2004.

c. AR 600-20, Army Command Policy, 7 June 2006.

d. FM 1-05, Religious Support, 18 April 2003.

e. TC 16-2, Religious Support to Casualties, Memorial and Funeral Services, December 1991.

f. Chief of Navy Chaplains Official Statement on Public Prayer in the Navy, 9 January 2006.

g. Revised Interim Guidelines Concerning Free Exercise of Religion in the Air Force, 9 February 2006.

h. US Army Chief of Chaplains Newsletter, March 2006.

i. DLIFLC & POM Command Policy on Religious Expression in the Workplace, 24 March 2006.

2. Purpose. To establish policy for public prayers at official functions at the Defense Language Institute Foreign Language Center and Presidio of Monterey (DLIFLC & POM) and Ord Military Community (OMC), These guidelines reinforce key themes contained in military regulations and highlight concerns included in the separate service branches' policies and Chiefs of Chaplains guidelines fur public prayer in the military.

3. Applicability. This policy applies to all military and civilian personnel assigned or attached to, or employed by, DLIFLC & POM. It also applies to all contractor personnel working at the Presidio of Monterey (POM) or OMC.

4. Proponent. The proponent for this policy is the World Religions Chaplain at (831) 242-5405.

5. Scope. This policy only applies to prayers offered at official functions. It does not apply to prayers offered at chaplain-sponsored religious services or prayers offered at unofficial social activities, such as coffees, parties, and informal social gatherings. However, prayers offered at unofficial gatherings in public spaces on post are subject to reference g.

6. Considerations. Crafting a prayer that ensures universal assent is almost impossible. Prayers make theological assumptions, and people tend to disagree

about those assumptions. Even the simplest, most generalized prayer typically makes a statement about a divine being and/or humanity's spiritual dimension. Therefore, leaders must understand the implications of including or excluding public prayers at official functions. They must also prevent abuses and mitigate controversy through informed, deliberate planning.

7. Characteristics of Appropriate Public Prayers at Official Functions.

a. The goal of including public prayers at official functions is to affirm the spiritual dimension of military service, while remaining reasonably inoffensive to people with a variety of religious convictions. Therefore, all public prayers at official functions are voluntary.

b. Public prayers at official functions are the personal prayers of members of the military community. They are not a command endorsement of a particular religious view, nor are they an opportunity to proselytize or extend a political or religious agenda.

8. Determining the Propriety of Public Prayers at Official Functions. Public prayers may be appropriate at formal military events, such as retirement ceremonies, change of command ceremonies, graduations, memorial ceremonies, and other ceremonial observances. Public prayers will not be considered or seen as an automatic component of an official function. Before deciding whether or not to include a public prayer at an official function, leaders will consider the purpose of the event, the pluralistic nature of DLIFLC's mixed military and civilian community, the potential for controversy, and the

implications of having or not having a public prayer. Chaplains are well-equipped to advise leaders making these decisions; leaders will consult them prior to making a decision.

9. Who May Offer Public Prayers at Official Functions. Only military chaplains will provide prayers at public events conducted on POM or OMC, such as change of command ceremonies, graduations, memorial ceremonies, or other events.

10. The ability to honor faith while respecting diversity is characteristic of America's great inclusive tradition. Offering public prayers at certain types of official functions is part of a long-standing military tradition of acknowledging the spiritual dimension of the men and women who serve and sacrifice for their nation's security. However, offering public prayers at official functions at DLIFLC & POM is not a reflection of the command's religious perspective or theology, an endorsement of any particular religious view, or an attempt to establish religion in any way.

/s/ Sue Ann Sandusky
SUE ANN SANDUSKY
COL, AG
Commanding

DISTRIBUTION:
G

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
GREENBELT DIVISION

Civil Action No. 8:14-cv-550-DKC

AMERICAN HUMANIST ASSOCIATION, ET AL.,

Plaintiffs,

vs.

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION,

Defendant,

THE AMERICAN LEGION, et al.,

Defendant-Intervenors.

Filed October 1, 2015

MOTION FOR LEAVE TO FILE MEMORANDUM AS AMICUS CURIAE THE CENTER FOR INQUIRY IN SUPPORT OF PLAINTIFFS

1. The Center for Inquiry hereby requests status as *amicus curiae* in the above captioned action, and requests this Honorable Court issue an order granting leave to file a brief on behalf of the plaintiffs in this matter.

2. The Center for Inquiry is a registered 501(c) (3) charitable organization whose mission is to foster a secular society based upon science, reason, freedom of inquiry, and humanist values. As part of this mission, the Center for Inquiry seeks to ensure that

the constitutionally mandated wall of separation between church and state is maintained. The Center for Inquiry has over 45,000 members across the United States.

3. It is the position of the Center for Inquiry that war memorials on public property should commemorate the sacrifice of all Americans in a particular conflict, and the use of exclusively religious symbolism in such memorials effectively discounts the sacrifice of Americans who fought and died but were members of other faith traditions or who had no religious faith.

4. The Center for Inquiry has contacted attorneys for the Defendants, Tracey Harvin, Esq. and William Dickerson, Esq., and for the Intervenors, Roger Byron, Esq., on September 28, requesting their consent to this motion. Mr. Byron has indicated that Intervenors do not object to an *amicus curiae* Motion for Leave to file their memorandum at this time, and that the undersigned may so state in this Motion. As of the time of filing this motion, no response has been received from counsel for the Defendants. Counsel for the plaintiffs has indicated it has no objection to the filing of this motion, or the submission of an *amicus curiae* brief supporting the plaintiffs.

5. The Center for Inquiry has approached other groups, both religious and secular, who may have interest in joining this brief as signatories. If, when the brief is finalized, other groups agree to join it, the Center for Inquiry will inform this Honorable Court.

6. Consequently, and in light of this Honorable Court's order of September 18, 2014, granting status as *amici curiae* to "Eleven Marylanders," and directing them "to seek leave to file an *amicus curiae*

memorandum in support of Defendant if and when dispositive motions are filed," (ECF #46, pg. 7), the Center for Inquiry hereby requests status as amicus curiae and submits this Motion for leave to file a memorandum in support of the Plaintiffs.

Respectfully,

By */s/Matthew B. Kaplan*
Matthew B. Kaplan
D. Md. Bar no. 18724 The Kaplan Law Firm
509 N. Jefferson St.
Arlington, VA 22205
Telephone: (703) 665-9529
Fax: (888) 958-1366
Email:
mbkaplan@thekaplanlawfirm.com
Counsel for Amicus Curiae

Nicholas J. Little General Counsel,
Center For Inquiry (pro hac vice motion to be filed)
1020 19th Street NW
Washington, DC 20036
Telephone: (202) 629-2403
Email: nlittle@centerforinquiry.net
Counsel for Amicus Curiae

Certificate of Service

I hereby certify that, on the date indicated below, the foregoing document (and any attachments or accompanying documents) was served via the Court's CM/ECF System on counsel for all parties who have appeared in this matter.

/s/ Matthew B. Kaplan
Matthew B. Kaplan

Dated: October 1, 2015

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

Case No. cv-14-550

AMERICAN HUMANIST ASSOCIATION, STEVEN LOWE, FRED EDWORDS, AND BISHOP MCNEILL

Plaintiffs,

v.

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION,

Defendant.

Filed October 1, 2015

MOTION FOR LEAVE TO SUBMIT MEMORANDUM OF AMICI CURIAE IN SUPPORT OF PLAINTIFFS'S MOTION FOR SUMMARY JUDGMENT

1. The Council on American-Islamic Relations ("CAIR") respectfully submits this Motion for Leave to file a memorandum of *amici curiae* in support of the Plaintiff in this case.

2. In light of this Honorable Court's order of September 18, 2014, granting status as amici curiae to "Eleven Marylanders," and directing them "to seek leave to file an amicus curiae memorandum in support of Defendant if and when dispositive motions are filed," (ECF #46, pg. 7), CAIR hereby requests status as amicus curiae and submits this Motion for

leave to file a memorandum in support of the Plaintiff's Motion for Summary Judgment (Docket #80).

3. CAIR is the nation's largest Muslim civil rights and liberties organization. CAIR is an independently operated 501(c)(3) registered nonprofit organization. CAIR is committed to defending the separation of church and state and has a particular interest in ensuring that the court understands how public displays that associate military service with Christian symbols do not represent Muslim service members and, in so doing, send an unconstitutional message that conflates Christianity in particular with military sacrifice and endorse Christianity as a religion preferred by the state.

4. There are several other minority religious faith organizations that may join CAIR as *amici* on the brief if approved for filing by the Court.

5. Movant confirms service of this motion on counsel of record for the Plaintiffs and Defendant via the Court's electronic filing system.

6. CAIR respectfully asks for 30 days within which to files its amicus brief in support of the Plaintiffs' motion for summary judgment.

7. Undersigned counsel has contacted attorneys for the Defendants, Tracey Harvin, Esq. and William Dickerson, Esq., and for the Intervenors, Roger Byron, Esq., requesting their position on this motion. As of the time of filing this motion, no response has been received from counsel.

8. Counsel for the plaintiffs has indicated it has no objection to the filing of this motion, or the submission of an *amici curiae* brief supporting the plaintiffs' motion for summary judgment.

WHEREFORE, for these reasons as well as any other reasons deemed meritorious to the Court, CAIR asks that the Court grant this motion for leave to file.

Respectfully submitted,

/s/

Jenifer Wicks
MD Federal Bar #15573
Litigation Director, Civil Rights Department
Council on American-Islamic Relations
453 New Jersey Ave., S.E.
Washington, DC 20003
jwicks@cair.com
phone: (202) 640-4934
fax: (202) 379-3317
COUNSEL OF RECORD FOR AMICI CURIAE

EXHIBIT B

ANNOUNCEMENT OF
DIRECTOR OF THE NATIONAL PARK SERVICE
ADDING BLDENSBURG
WORLD WAR I VETERANS' MEMORIAL
TO NATIONAL REGISTER OF
HISTORIC PLACES

September 18, 2015

The Director of the National Park Service is pleased to send you the following announcements and actions on properties for the National Register of Historic Places. For further information contact Edson Beall via voice (202) 354-2255, or E-mail: Edson_Beall@nps.gov

This and past Weekly Lists are also available here: http://www.nps.gov/history/nr/nrlist.htm

Our physical location address is:

National Park Service 2280, 8th floor
National Register of Historic Places
1201 "I" (Eye) Street, NW,
Washington D.C. 20005

WEEKLY LIST OF ACTIONS TAKEN ON
PROPERTIES: 9/08/15 THROUGH 9/11/15

KEY: State, County, Property Name, Address/Boundary, City, Vicinity, Reference Number, NHL, Action, Date, Multiple Name

ARIZONA, MARICOPA COUNTY,
Cisney, C. W., House,
2011 W. Madison St.,
Phoenix, 94001527,
REMOVED, 9/08/15
(Nineteenth-Century Residential Buildings in Phoenix MPS)

ARIZONA, MARICOPA COUNTY,
Cisney, George E., House,
916 E. McKinley St.,
Phoenix, 94001528,
LISTED, 9/08/15
(Nineteenth-Century Residential Buildings in Phoenix MPS)

ARIZONA, PIMA COUNTY,
Catalina Foothills Estates Apartments,
2600 E. Skyline Dr.,
Tucson, 15000568,
LISTED, 9/08/15

ARIZONA, PIMA COUNTY,
Tucson Community Center Historic District,
180-260 S. Church Ave.,
Tucson, 15000569,
LISTED, 9/08/15

FLORIDA, MANATEE COUNTY,
Curry Houses Historic District,
4th Ave. E. between 12th & 14th Sts. E.,
Bradenton, 15000571,
LISTED, 9/08/15

MARYLAND, PRINCE GEORGE'S COUNTY,
Peace Cross,
Annapolis Rd. & Baltimore Ave.,
Bladensburg, 15000572,
LISTED, 9/08/15

MISSOURI, VERNON COUNTY,
Prairie View Stock Farm,
Cty. Rd. WW,
Rich Hill vicinity, 15000573,
LISTED, 9/08/15

MONTANA, YELLOWSTONE COUNTY,
McMullen Hall,
1500 University Dr.,
Billings, 15000574,
LISTED, 9/08/15

NORTH CAROLINA, MADISON COUNTY,
Mars Hill Commercial Historic District,
15 College, 2-14, 18, 24-26, 28-30, 32-34, 9, 15-25 S. Main & 10, 14, 16-20 N. Main Sts.,
Mars Hill, 15000575,
LISTED, 9/08/15

OKLAHOMA, ADAIR COUNTY,
KCS Railway Depot,
1 S. US 59,
Stilwell, 15000577,
LISTED, 9/08/15

OKLAHOMA, GARFIELD COUNTY,
Fuksa Portion of the Chisholm Trail Roadbed,
Address Restricted,
Bison vicinity, 15000578,
LISTED, 9/08/15

OKLAHOMA, PUSHMATAHA COUNTY,
Baggs, James Martin, Log Barn,
W. side of Cty. Rd. N4480,
Pickens vicinity, 15000579,
LISTED, 9/08/15

OKLAHOMA, SEMINOLE COUNTY,
Seminole Municipal Building,
401 N. Main St.,
Seminole, 15000580,
LISTED, 9/08/15

OKLAHOMA, TULSA COUNTY,
Sally Ann Apartments,
1309, 1311, 1313, 1310, 1312, 1314 S. Jackson Ave.,
Tulsa, 15000581,
LISTED, 9/08/15

TENNESSEE, KNOX COUNTY,
Bethel Confederate Cemetery and Winstead Cottage,
1917 Bethel Ave.,
Knoxville, 15000117,
LISTED, 9/08/15

VERMONT, WASHINGTON COUNTY,
Jones--Pestle Farmstead,
339 Bridge St.,
Waitsfield, 15000582,
LISTED, 9/08/15
(Agricultural Resources of Vermont MPS)

VERMONT, WINDHAM COUNTY,
Houghtonville Historic District,
Houghtonville, Stagecoach & Cabell Rds.,
Grafton, 15000583,
LISTED, 9/08/15